GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 28, per ship Cumberland; acknowledged by Lord Stanley, 4th August, 1842.)

My Lord,

Government House, 8th Febry., 1842.

I have had the honor to receive Lord J. Russell's Despatch No. 348 of the 31st August, 1841, desiring me to report on the subject of a complaint made to His Lordship by the Revd. Dr. Polding that, at the demand of the Bishop of Australia, the Roman Catholic Community had been called on to surrender a portion of a building in Sydney, which they had occupied for many years as a Schoolroom; and I have accordingly the honor to report to Your Lordship as follows:—

There exists in one of the best situations in Sydney a large, substantial and commodious building* (with outhouses and other conveniences), erected about the year 1820 for the purpose of a general school, which it was then intended, I believe, should be conducted on the principles of Dr. Bell. This design, however, of establishing a general school was never perfected; and the Catholics allege that it was frustrated by the introduction into the School of the Catechism of the Church of England. Whether this was or not the case, I cannot ascertain; but it is certain that the whole of the building, not being required for the purposes of a School such as was established in it for Children of the Church of England only, a large room, comprehending nearly the whole of the ground floor, was used for some years as a Court House, and subsequently (I believe in the year 1827) lent to the Catholics as a place of Worship, until their Chapel, then in the course of erection, should be finished; and, on completion of their Chapel in 1833, it was converted by them into a Schoolroom, though I cannot find that they had any authority to convert it to such a purpose.

It is acknowledged by the Vicar General (the Revd. Mr. Murphy) that the Catholics hold the room only on sufferance; but he alleges that it is sufferance from the Government, whereas the Bishop of Australia considers that it is held on sufferance from himself or rather from the Church of England, the room having as His Lordship contends, been originally lent to the Catholics not by the Government, but by his Predecessor, Mr. Archdeacon Scott, on behalf of the then existing Church and School Corporation.

The building was erected at the cost of the Government, and the ground on which it stands has never been alienated from the Crown; the legal estate in it is therefore unquestionably in the Crown, though, ever since the establishment of the Church and

* Note 73.
School corporation, it has been considered equitably to belong to the Church of England.

Had the legal estate in the building been vested in the Bishop as Trustee for the Church of England (in which capacity he holds many lands and buildings throughout the Colony), he evidently would be able to eject the Catholics without the assistance of the Government; but, not holding any legal estate in it, he cannot do so without my assistance; and His Lordship consequently applied to me about a year and a half ago on the subject.

Several communications passed in consequence between myself and the Roman Catholic Vicar General, the general tenor of which was on my part that the Catholics ought voluntarily to vacate the building, in fulfilment of engagements which they entered into when they obtained possession of it; and on the part of the Revd. Mr. Murphy, that, though the Catholics are ready to vacate it on receiving an order from me to do so, he does not consider that the good faith of their community is pledged to vacate it on the demand of the Bishop of Australia, or for the accommodation of children of another religious persuasion.

Being very anxious to avoid, if possible, the giving of an order, which would have the effect of ejecting between 200 and 300 children from the School in which they are now educated, and would assuredly lead to the revival of religious clamour in the Colony, I resolved to adopt a middle course, in the hope that by it all parties might be conciliated; and I accordingly made a Minute on the 27th May last, of which I enclose a Copy, and of which the substance was communicated to the Lord Bishop of Australia and the Revd. Mr. Murphy.

Since that day, I have heard nothing from the Revd. Mr. Murphy; but a reply, of which a Copy is annexed, was made to my communication by the Lord Bishop of Australia.

Should Your Lordship concur with me in thinking that the Church of England is equitably entitled to the whole of this building, but that it nevertheless would be harsh to eject the Catholics without giving them time to erect another Schoolroom, and affording them some assistance in so doing, I would venture to suggest, that a day sufficiently distant (say probably the 1st Jany., 1845) should be fixed for their vacating the building; and that I should be authorized to propose to the Legislative Council the grant of any sum not exceeding £1,000 towards erecting a Catholic School House, on condition of an equal sum (at least) being furnished by private contributions.

I have, &c,

GEO. GIPPS.
GIPPS TO STANLEY.

[Enclosure No. 1.]

MEMO, BY SIR GEORGE GIPPS.

School Room, in Castlereagh Street.

Write to the Bishop of Australia and explain that the answer to His Lordship's Letter of the 24th February last was deferred in the hope that some arrangement might be made in respect to the part of the School room occupied by the Roman Catholics; in this hope, repeated Letters have been written to the Revd. Mr. Murphy, urging him to relinquish the Room in fulfillment of the promise which is understood to have been made by the Catholic Community, when the use of the Room was first given to them twelve or thirteen years ago. In answer to these repeated applications, the Revd. Mr. Murphy has stated that he is not aware that the good faith of the Roman Catholic Community is pledged to give up the Room for the purpose of accommodating Children of another religious Community. But that he is ready to do so at the command of the Government, though there are nearly 300 Children now receiving daily instruction in it, who will be wholly deprived of the means of Education if the Room be taken from them.

The Lord Bishop of Australia cannot fail to perceive the embarrassing situation in which I am consequently placed between the two Communities, in respect to a matter with which the Government ought to have no concern.

The Building was, I believe, originally erected as a place of general education for the poorer Classes of Sydney, a purpose which (it is alleged by the Catholics) was frustrated by the introduction into the School of the Catechism of the Church of England. The Building is and always has been the property of Government, for, though it was claimed by the late Church and School Corporation under the general provisions of their Charter of Incorporation, it never was conveyed to them by Deed. It would be difficult to define the exact effect, which the dissolution of the Corporation produced in respect to the appropriation of the Building, or the equitable right of property in it; but the Government always has, I believe, considered it as belonging to the Church of England, and I am perfectly willing (as far as the Government is concerned) to allow it still to be so considered. It is one thing however to recognize it as belonging to the Church of England, and another to take forcible measures for putting the Church in possession of it; and I cannot but feel that, in the absence of any indisputable title to the Building, a paramount case of necessity should be made out before the interference of the Government in such a way could be justified.

With the view of judging whether or not such a case of necessity existed, I lately visited the Building, and I found that, in the large Room on the upper floor, used as the principal School room of the Church of England, and which is capable of containing 300 Children, there were between 50 and 60 only in actual attendance, and less than 100 on the Books.

The second Room on the upper floor, I found occupied by a Grammar School, which is about to be removed into another Building, and which is moreover attended by a class of Scholars, not entitled to receive Education at the public expense, whilst, in the Girls' School in the lower floor, there was accommodation for at least double the number of Children then in actual attendance.
Memo, by Sir G. Gipps re schoolroom occupied by Roman Catholics.

Claim by Bishop of Australia to schoolroom.

Inform the Lord Bishop that I also enquired into the other inconveniences complained of by the Revd. Mr. Allwood in the letter addressed by him to his Lordship on the 3rd February, 1841. I inspected the Spot, where one or two bricks have (as Stated by Mr. Allwood) been thrust out of a partition wall, but it appeared to me that some simple precaution only was required to prevent a repetition of this annoyance as well as of the others complained of, as arising out of the contiguity of the Roman Catholic School.

I visited also the Infant School in the Undercroft of St. James' Church, without perceiving that the Children were exposed to much inconvenience from dampness or want of Ventilation, and was glad to find that the portion of the undercroft occupied by the School was apparently drier and more airy than that which serves as a residence for the Verger of the Church.

In conclusion, State to the Lord Bishop that the result of the best consideration, I can give to the whole case, is that forcibly to eject the Catholics from the room of which they have had such long possession, without providing for them another, would be on the part of Government a most harsh and ungracious proceeding; and that, as another Room could Scarcely be provided at a cost of less than £2,000, I must in the present State of the Finances of the Colony pause before I propose to the Legislative Council the outlay of so large a Sum.

I have however intimated to the Revd. Mr. Murphy that I will recommend the appropriation of half the amount, provided the other half can be raised by private Subscription. G.G.

27th May, 1841.

[Enclosure No. 2.]

THE BISHOP OF AUSTRALIA TO COLONIAL SECRETARY THOMSON.

Sir,

I have the honor to acknowledge the receipt of your Letter of 27th May upon the Subject of the claim, which has been advanced by me, for the restoration to the use of the Church of England Schools of the School room in Castlereagh Street. With reference to the grounds of that claim, I can but repeat the affirmations previously submitted to His Excellency, that the room in question was lent by Mr. Archdeacon Scott to the Roman Catholic Community to Serve the purpose of a place of public worship until their own should be in a fit State for occupation; and that there was no mention ever made of its being retained as a School room. Indeed no more manifest proof of the latter assertion can be given than that a plot of ground annexed to the Roman Catholic Chapel was avowedly laid out as the Site of their School; to which purpose however I am not aware that it has ever yet been appropriated. Of these facts, Mr. Scott and the then Colonial Secretary Mr. Macleay, I am persuaded, must be cognizant; and Sir Richard Bourke has on more than one occasion expressed to me his sentiment as to the right of occupancy being in the Church of England, whenever it Should be advisable or necessary to reclaim possession. I may with perfect confidence appeal to any or all of the above-named individuals; and, if that were insufficient, the same might be even extended to the Revd. J. J. Therry, who must bear in recollection the tenure under which he admitted the room to be held, agreeably to the terms proposed to and accepted by the Revd. Mr. Power, R.C. Chaplain.
Under these circumstances, I am unable to concur in the opinion, said to have been expressed by the Revd. Mr. Murphy, that the Roman Catholic community is not pledged in good faith to give up the room. The claim of the Church of England has been postponed for several years from mere unwillingness to urge it, so long as it could in justice to our own interests be permitted to lie dormant; although considerable extra expenses have been incurred in hiring School-rooms, and very great inconvenience as well as interruption of the progress of the Schools themselves have arisen from the detention of the room in question by other parties. I have at the present time additional grounds and motives to persist in this just claim; because I am prepared to submit, whenever it shall be His Excellency's pleasure to receive the same, a Plan which has been matured for the introduction of an enlarged and improved System of parochial education, under the charge of Masters and Mistresses properly trained in the Diocesan Schools in connexion with the Established Church, which are now instituted in England under the inspection of Visitors appointed by the Committee of Council on Education, with the approval of His Grace the Archbishop of Canterbury, and in part maintained by funds provided by Vote of Parliament. The Plan in question includes a System of Classical, Parochial and Infant Schools; the former derives no pecuniary support whatever from Government, and the latter two no greater amount than may be thought equitably proportioned to the numerical ratio which the Members of the Church of England bear to the other classes of the community.

In order to carry this plan into effect in Sydney, the possession of the room in question within twelve months from the present time would be quite indispensable.

W. G. AUSTRALIA.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 65, per ship Wilmot.)

Sir, Downing Street, 9 February, 1842.

I transmit to you, herewith, for your information and guidance Copy of a Dispatch with its Inclosure which I have addressed to the Lieut. Governor of Van Diemen's Land at the request of the Lords Commissioners of the Treasury on the subject of the augmentations of Established Salaries, which appear in the periodical Reports of appointments and alterations in the Civil Departments of the Colony.

I have, &c.,

STANLEY.

[Enclosure.]

LORD STANLEY TO SIR JOHN FRANKLIN.

Sir, Downing Street, 8 February, 1842.

I referred for the consideration of the Lords Commissioners of the Treasury the several Returns of New Appointments, Augmentations of Salaries and alterations in the various Departments of Your Government for the Quarter ending 31st Decr., 1840, which were forwarded in your Despatch, No. 85 of the 11th of May last; and I transmit to you, herewith, a copy of a letter from their Lordships' Secretary in which my attention is called to the frequent
recurrence of augmentations of established Salaries in the periodical
Reports of appointments and alterations in the Civil Departments
of Van Diemen's Land without the statement of any further
ground than "recommendation of the Head of a Department con­
sidered in the Executive Council."

In compliance with the desire expressed by the Lords of the
Treasury, I have to direct that this course may in future be
checked, particularly as regards Salaries on the Convict Establish­
ments; and that recourse only be had to it when it may be an object
to procure or retain the services of Persons of peculiar competency
for particular duties.

I am, &c.,
STANLEY.

[Sub-enclosure.]

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.


I am commanded by the Lords Commissioners of Her Ma­
jesty's Treasury to acquaint you, for the information of Lord
Stanley, that their Lordships have signified to the Commissioners
of Audit their authority for the admission of the expenditure in
Van Diemen's Land, reported in the Schedules which accompanied
your Letter of the 10th Ultimo in compliance with the recomenda­
tion of the Secretary of State; but they request that you will call
his Lordship's attention to the frequent recurrence of augmentations
of established Salaries in the periodical reports of appointments
and alterations in the Civil Departments of that Colony, without
the Statement of any further grounds than recommendation of the
Head of a Department considered in the Executive Council.

It appears to their Lordships to be advisable that this course of
proceeding should be checked, more especially as regards Salaries
on the Convict establishments, where the payment of the aug­
mented rate does not depend upon the Vote and Investigation of the
Legislative Council; and the recourse should only be had to it,
when it may be an object to procure or retain the Services of
persons of peculiar competency for particular duties.

I am, therefore, to request you will suggest to Lord Stanley that
a Communication to this effect be made to the Lieutenant Governor
of Van Diemen's Land.

I am, &c.,
C. E. TREVELYAN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 30, per ship Cumberland; acknowledged by
lord Stanley, 11th July, 1842.)

My Lord, Government House, 10th Feb'y., 1842.

Recent events having led me to suppose that very great
misapprehension exists in England as to the state of the Finances
of the Colony, and having perceived in the public Newspapers
that the "Bankrupt Treasury of New South Wales" has been
alluded to in Parliament by the first Minister of the Crown, I
think it my duty to lay before Your Lordship, in as compendi­
ous a way as possible, an authentic statement of the ordinary
Revenue and ordinary Expenditure of the Colony during the
GIPPS TO STANLEY. 687

year which is just closed; and also to take a general review of the Revenue and Expenditure of the Colony during the four years I have had the honor to administer the Government of it.

In the Minute, which I addressed to the Legislative Council on the 29th July, 1840, I estimated the probable amount of the Revenue of 1841 as follows:—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue as collected in 1839</td>
<td>244,777</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Expected increase proportionate to the increasing prosperity of the Colony</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Expected produce of additional Duties imposed in 1840</td>
<td>31,659</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>Crown Revenue, exclusive of Land Fund</td>
<td>14,962</td>
<td>13</td>
<td>0</td>
</tr>
</tbody>
</table>

The actual Revenue for the same period has been 390,111 0 0

Consequently it has yielded more than was expected 48,710 18 3

The ordinary Expenditure, or the Expenditure chargeable against this Revenue for the same period, cannot be as yet precisely ascertained; but, by the nearest approximation that can be made by the Auditor General, it amounts to £355,000, consequently there is an estimated excess in Revenue over the Expenditure of £35,111 0s. 6d.

In the above statement, every item of Revenue is included, except the produce of our Land Sales, and every item of Expenditure (Port Phillip included) except those services which are specially chargeable on the Land Fund, namely, the expenses of the Survey and Sale of Land, the Aborigines and Immigration.

Comparing in like manner, the Revenue and Expenditure of the Colony for the four years which I have held the Government of it, the account will stand thus:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
<th>Excess in Expenditure over Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>211,988</td>
<td>323,736</td>
<td>111,747</td>
</tr>
<tr>
<td>1839</td>
<td>259,740</td>
<td>346,241</td>
<td>86,500</td>
</tr>
<tr>
<td>1840</td>
<td>335,084</td>
<td>331,775</td>
<td>3,308</td>
</tr>
<tr>
<td>1841</td>
<td>320,111</td>
<td>335,000</td>
<td>3,889</td>
</tr>
</tbody>
</table>

In the expenditure moreover of the two last years, a sum of at least £10,000 is included, which is in the nature only of an advance to be repaid in future years.

The object of my present Despatch is simply to prove to Your Lordship that my administration of the Government of this Colony has been neither wasteful nor extravagant, but, on the contrary, an extremely economical one, such as I can confidently
assert it is generally considered by those who, being on the spot, have had the best means of judging of it. I do not therefore enter on the subject of Immigration, on which moreover I shall not be in a condition to say more than is contained in my Despatch, No. 14 of the 27th Jan., last, until all the ships shall have arrived, which were to leave England after the 1st Novr. and their accounts be settled.

In my Despatch to Lord J. Russell, No. 237 of the 24th Decr. last, I freely admitted that, in the year 1840, I was led, by a concurrence of circumstances, to issue permissions to import Emigrants to a greater extent than a cautious policy ought perhaps to have dictated; and I as freely admit that, when I in 1841 found that Emigration was taking place in England to a far greater extent than I expected, I was glad also to find that the authority of the Secretary of State was interposed to stop it.

Had that authority not been interposed, we should doubtless have had to incur a debt in England, though not one to a greater extent than had been fully anticipated and reported on more than two years before in my Despatch No. 157 of the 22nd Novr., 1839; and not to the fifth part of the amount, which had been successively recommended by the Legislative Council in Resolutions and Reports, all of which were laid before Her Majesty's Government and received without any expression of disapprobation.

Heavy as were the engagements in respect to Immigration, which I made on the part of this Government, and erroneously as I might have acted in entering into them, I made none in which I was not supported by the Council and by the great body of the Colonists of New South Wales, and none which the Council and Colony were not ready and able to make good.

The apprehension, which perhaps not unnaturally arose in England, of my proceedings leading to a charge upon the British Treasury for anything at the very utmost more than a temporary Loan was, I must respectfully say, an unnecessary one; and, though my measures have been most harshly censured, I cannot but feel that they have been very imperfectly understood.

I have, &c.,
GEO. GIPPS.
Lords of the Treasury had sanctioned the payment to Mr. Hoddle of a gratuity of £500, voted to him by the Legislative Council in the Session of 1840; and, in reply, I beg leave to inform Your Lordship that Mr. Hoddle, having after a relaxation from duty of some months, aided by a change of air, thoroughly recovered his health, was allowed at his own request and on the recommendation of the Surveyor General to resume his place in the Department; and consequently that the gratuity of £500 has not been paid to him.

I have, &c.,

GEO. GIPPS.

1842, 12 Feb.

Resumption of duties by R. Hoddle.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 34, per ship Cumberland.)

My Lord, Government House, 13th Feby., 1842.

With reference to my Despatch No. 14 of the 27th ulto.,

I have the honor to forward herewith a statement of all Bills drawn by me on the Lords of the Treasury, shewing how many of them have been actually issued, and what number retained to meet the demand which may arise for them. I have, &c.,

GEO. GIPPS.

P.S.—The whole of the Bills, amounting collectively to £15,832 15s., have now been actually issued. G.G.

[Enclosure.]

RETURN of Bills drawn on the Lords of the Treasury by Sir George Gipps on account of a Debt due to the Colony from the Government of New Zealand.

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Amount</th>
<th>To whom Endorsed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jany. 29</td>
<td>£ 200 0 0</td>
<td>Alexander Laurence.</td>
</tr>
<tr>
<td>2</td>
<td>do</td>
<td>200 0 0</td>
<td>Blank Endorsed.</td>
</tr>
<tr>
<td>3</td>
<td>February 12</td>
<td>200 0 0</td>
<td>do</td>
</tr>
<tr>
<td>4</td>
<td>do</td>
<td>500 0 0</td>
<td>do</td>
</tr>
<tr>
<td>5</td>
<td>do</td>
<td>600 0 0</td>
<td>do</td>
</tr>
<tr>
<td>6</td>
<td>do</td>
<td>500 0 0</td>
<td>Thomas Hamlin and Co.</td>
</tr>
<tr>
<td>7</td>
<td>Jany. 29</td>
<td>200 0 0</td>
<td>Alexander Laurence.</td>
</tr>
<tr>
<td>8</td>
<td>do</td>
<td>354 0 0</td>
<td>do</td>
</tr>
<tr>
<td>9</td>
<td>do</td>
<td>1,000 0 0</td>
<td>do</td>
</tr>
<tr>
<td>10</td>
<td>do</td>
<td>1,311 0 0</td>
<td>Messrs. Grey and Roxburgh.</td>
</tr>
<tr>
<td>11</td>
<td>Feby. 1</td>
<td>2,667 15</td>
<td>do</td>
</tr>
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<td>do</td>
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<td>4,990 0 0</td>
<td>Aspinal, Browne and Co.</td>
</tr>
<tr>
<td>15</td>
<td>do</td>
<td>4,990 0 0</td>
<td>do</td>
</tr>
<tr>
<td>16</td>
<td>do</td>
<td>15,832 15</td>
<td>do</td>
</tr>
</tbody>
</table>

Colonial Treasury, Sydney, 12th Feb., 1842.

C. D. RIDDELL.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord, Government House, 13th Feby., 1842.

I have the honor to forward herewith a statement of all Bills drawn by me on the Lords of the Treasury, shewing how many of them have been actually issued, and what number retained to meet the demand which may arise for them. I have, &c.,

GEO. GIPPS.

P.S.—The whole of the Bills, amounting collectively to £15,832 15s., have now been actually issued. G.G.

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<td>do</td>
<td>15,832 15</td>
<td>do</td>
</tr>
</tbody>
</table>
Sir George Gipps to Lord Stanley.

(Despatch No. 32, per ship Cumberland.)

My Lord,

Government House, 14th Feby., 1842.

I have had the honor to receive Lord J. Russell's Despatch No. 279 of the 29th May, 1841, enclosing a letter from Mr. Frank Howard respecting a debt due to him by the late Mr. Cosby, who was a Commissioner of Crown Lands in this Colony; and, in reply, I am sorry to inform Your Lordship that Mr. Cosby died on the 21st Augt., 1841, insolvent and intestate; at least I am informed that no Will has been found, and no administration to his effects has been taken out.

Mr. Cosby, having been strongly recommended to me by Lord Glenelg, was appointed a Commissioner of Crown Lands by me on the 28th Jan., 1839. I had never any occasion to complain of the way in which he performed his duty; and, as he resided in a very distant part of the Colony, I had no opportunity for becoming acquainted with the state of his private affairs.

Having been led to suppose that a gentleman named Besnard, resident at Yass (180 miles distant from Sydney on the road to Port Phillip), was charged with the administration of Mr. Cosby's affairs, I sent to him a Copy of Mr. Howard's letter, but was informed in reply that he was not Mr. Cosby's Executor, and that he believed Mr. Cosby died possessed of property, the whole of which was not worth above £40, whilst his debts in the Colony probably amount to £1,000.

I have, &c.,

Geo. Gipps.

Sir George Gipps to Lord Stanley.

(Despatch No. 35, per ship Hamlet: acknowledged by Lord Stanley, 2nd July, 1842.)

My Lord,

Government House, 14th Feby., 1842.

I have the honor to inform Your Lordship that, on the application of the Lord Bishop of Australia, I have granted Leave of Absence to the Revd. William Cowper, senior Chaplain of New South Wales, for eighteen months, in order that he may proceed to England for the purpose of having an operation performed upon his Eyes.

I transmit a Copy of a Minute of the Executive Council, on which I have granted this Leave of Absence to Mr. Cowper; and, in submitting for Your Lordship's favorable consideration the recommendation of the Executive Council that Mr. Cowper may be allowed his full salary of £460 per annum during his absence, I beg leave to add that, the case of Mr. Cowper being
incidentally mentioned in the Legislative Council, when the Estimates for the present year were under consideration, a very general feeling was manifested in that Council also in favor of extending to Mr. Cowper this indulgence.

Your Lordship will observe that Mr. Cowper’s application was submitted to the Executive Council in August last; it is therefore right for me to add that Mr. Cowper’s departure from the Colony has been deferred until the present time by the advice of his Medical attendant, who did not, I believe, consider that his Eyes would be in a fit state to be operated upon before the month of June or July next.

The Revd. Mr. Cowper is the bearer of a Certificate, shewing the day up to which he has received his salary in the Colony.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

EXTRACT from Minute No. 16 of the Year 1841 of the Proceedings of the Executive Council, dated 23d August, 1841, relative to an Application for leave of absence for eighteen months to go to England from the Reverend William Cowper, Minister of St. Philip’s Church, Sydney.

PRESENT:—His Excellency the Governor; The Right Reverend the Lord Bishop of Australia; The Honorable the Colonial Secretary; The Honorable the Colonial Treasurer.

His Excellency the Governor laid before the Council a letter from the Lord Bishop of Australia, requesting leave of absence from the Colony, for the period of eighteen months, for the Reverend William Cowper, Senior Chaplain of the Diocese, on the ground of his being advised to go to England for the purpose of trying the effect of an operation on his eyes, his sight having almost entirely failed; and recommending that, in consideration of his long continued service in the Colony, for the period of Thirty three years and upwards, without intermission, his request to be allowed to retain his full Salary as a Chaplain of the Colony may be complied with.

His Excellency requested the concurrence of the Council to the grant of the leave of absence to Mr. Cowper, as required by the Act of Parliament, 22 George III, Chap. 75.

The Council readily give their concurrence to the grant of leave, and also strongly recommend that Mr. Cowper may be permitted to receive his full Salary, during the period of his absence.

Council Chamber, Sydney, 4th February, 1842.

A True Extract:—WM. MACPHERSON, Clerk of Councils.

[Sub-enclosure No. 1.]

BISHOP OF AUSTRALIA to COLONIAL SECRETARY THOMSON.

Sir,

Sydney, 3 August, 1841.

I have the honor to transmit herewith, requesting that you will submit the Transmission same for the consideration of His Excellency the Governor, an application from the of letter Reverend William Cowper, Senior Chaplain of this Diocese, for leave of absence from Revd. from the Colony, for the reasons urged by that gentleman, of the painful nature of W. Cowper, which His Excellency and the public generally are aware.
Mr. Cowper, as he himself states, has been performing the duties of a Clergyman in the Colony for a period of upwards of thirty three years without any intermission. Whatever, and in a manner so highly deserving of approbation, that it is unnecessary for me to say that his present request for eighteen months’ leave of absence, during which period he may be considered upon duty, and continue to receive his full Amount of Stipend, has my entire concurrence and earnest recommendation.

I have, &c.,

W. G. AUSTRALIA.

[Sub-enclosure No. 2.]

REV. WILLIAM COWPER TO BISHOP OF AUSTRALIA.

My Lord, Sydney, 22 July, 1841.

Your Lordship is already aware that, about two years since a Cataract having formed in my left eye, I was induced under Medical advice to resign the Secretaryship of certain Societies, which I had up to that time undertaken. I am now compelled, with extreme regret, officially to report for the information of your Lordship that, from the same cause, the sight of my right eye also has almost entirely failed me.

In consequence I am unable to perform the more important part of my duties, and am at the recommendation of my Medical Attendant desirous to proceed to England at the close of the present year for the benefit of an operation, by which I am led to entertain sanguine hopes that my eye sight may be partially, if not entirely restored.

I beg therefore to apply for permission to be absent from the Colony for a period of eighteen months, and, should a Medical Certificate be considered by His Excellency the Governor requisite, I am authorised to say that it will be afforded me in any shape which the Government may require.

For thirty three years and a half, I have held a Commission from His Majesty George 3d as Chaplain of the Colony, and, since my arrival in August, 1809, have been constantly employed in the duties of a Clergyman in the Town of Sydney, without at any time obtaining leave of absence, nor have I any other object in view in proceeding to England, but to render myself once more fit for the performance of my various duties. The expences which this serious undertaking will cause me, your Lordship well knows will be considerable; and I beg therefore respectfully to submit, for the consideration of His Excellency the Governor, differing as my case does from that of an Officer obtaining leave of absence on his private Affairs, that, under the peculiar circumstances and my length of Service, I may be considered as absent on duty, and allowed my full Salary as Chaplain of the Colony.

I have, &c,

Ex. W. MP.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 38, per ship Chatham; acknowledged by Lord Stanley, 18th August, 1842.)

My Lord, Government House, 20th Febry., 1842.

I have the honor to forward herewith a letter, which has been addressed to Your Lordship by the Revd. James Allan, a Presbyterian Clergyman of this Colony, complaining of various proceedings of the Synod of Australia, which he alleges have received my sanction, and under which he says the appointment which he received from Lord Glenelg has been cancelled.

In explanation of Mr. Allan’s complaint, it may be necessary for me to state to Your Lordship that, for more than four years past, an unhappy schism has existed in the Presbyterian Church of this Colony. This schism has been brought under the notice of Your Lordship’s Predecessors in various despatches from myself, dated and numbered as in the margin, but, with the

* Marginal note.—No. 85, 12th June, 1838; No. 86, 12th June, 1838; No. 14, 14th Jany., 1839.
exception of some ineffectual attempts at friendly mediation, I have taken no part in it; and it is scarcely necessary for me to observe to Your Lordship that the acts of the Synod do not require my sanction; and that Presbyterian Clergymen in this Colony are neither appointed to nor removed from their cures by the Government.

The true nature of Mr. Allan’s case may be explained as follows:

The schism, alluded to, led to the appointment, in each of the Towns of Parramatta and Maitland, of two Presbyterian Clergymen, where only one was required; I on the part of the Government refused to pay more than one; and I declared that I would pay the one, who should produce the usual certificate from the Moderator of the Synod of his having performed the duties of the Cure. This course was not only, I must submit, rational in itself, but is strictly in conformity with the Law and usage of the Colony; for, by the 6th Clause of the Church Act (7th Wm. IV, No. 3), it is enacted that no stipends shall be paid to Clergymen of any denomination, unless such proof shall be given of the regular and sufficient performance of their duties, as the Governor and the Executive Council shall require; and, by a Minute of the Executive Council made on the 4th March, 1836, duly promulgated in the Gazette of the Colony and observed ever since, it was directed that the required proof should be afforded, in respect to Clergymen of the Church of Rome, by a Certificate from the Vicar Apostolic, exercising episcopal functions in the Colony, and, in respect to Presbyterian Clergymen, by a similar certificate from the Moderator of the Presbytery, since changed (by Law) into the Synod of Australia; and it is simply because the Moderator has refused to certify in favor of the Revd. Mr. Allan that no stipend has been paid to him.

Whether the Moderator of the Synod has acted or not in conformity with the Laws and customs of the Church of Scotland in refusing to certify in favor of the Revd. Mr. Allan is a question on which I have constantly refused to enter; but it may be essential to observe that, by the 1st Clause of the Local Act, 4th Vict., No. 18, which authorized the establishment of the Synod, all the powers, privileges and advantages, enjoyed by that Body, cease and determine, whenever it shall depart from the doctrines, standards and formularies of the Church of Scotland, or cease to follow the Laws of that Church.

If therefore the Synod of Australia, in dealing with the Revd. Mr. Allan, have departed from the Laws and practice of the Church of Scotland, they have done it at their own peril.
With the Ecclesiastical Law of the Church of Scotland, I do not profess to be acquainted; but that the Statute Law of this Colony recognizes the power of the Presbytery of New South Wales (now the Synod of Australia) to depose Ministers may be seen by the latter part of the 9th Sect. of the Act of Council, 8th Wm. IV, No. 7.

I have, &c.

Geo. Gipps.

[Enclosure.]

REVD. JAMES ALLAN TO LORD STANLEY.

My Lord, Parramatta, 16th January, 1842.

I had the honor to transmit to Your Lordship's predecessor on the 27th September last a Memorial, complaining of certain proceedings of the Synod of Australia lately formed, which have received the sanction of His Excellency Sir George Gipps. I beg leave most respectfully to solicit Your Lordship's attention to that document and to forward to Your Lordship the following documents to explain the case. As His Excellency the Governor has cancelled my appointment, though placed upon the Ecclesiastical Establishment of New South Wales by Lord Glenelg. I trust Your Lordship and the General Assembly, to whom the case has been referred, will refuse to sanction a proceeding so disorderly and unjust and so opposed to Scottish Ecclesiastical Law.

I have, &c.

James Allan,

Minister of St. Andrew's Church, Parramatta.

[Sub-enclosure No. 1.]

REVD. JOHN McGARVIE TO SIR GEORGE GIPPS.

Your Excellency, Sydney, 19th January, 1842.

I have the honor to request that Your Excellency will be graciously pleased to forward to Lord Stanley, Her Majesty's Principal Secretary for the Colonies, the enclosed documents, in reference to the cases of the Reverend James Allan and the Reverend John Gregor, copies of which will be placed in the hands of His Lordship, and of the commission of the General Assembly, through Private channels. These Gentlemen having been honored with clerical appointments by the Secretary of State and of the General Assembly of their Church, cannot be deprived of the same by any Colonial authority, without imputation of fault, Form of Process, Trial or Inquiry, authorized by Acts of Council and Government Regulations; and it is hoped Your Excellency will favorably recommend the same to the consideration of His Lordship.

I have, &c.

John McGarvie, D.D.,

Minister, St. Andrew's Church, Sydney.

[Sub-enclosure No. 2.]

LETTER TO THE COLONIAL COMMITTEE.

Reverend Sir, Sydney, 5th January, 1842.

Having expressed my intention, at a Meeting of the Synod of Australia held on the 9th June and also in October last, to bring before the venerable the General Assembly of the Church of Scotland or its Commission the cases of the Revd. James Allan and the Reverend John Gregor, who have been deprived unlawfully as I believe of their Salary, and Standing in the Church on the recommendation of a majority of the said Synod against which I entered my dissent and protest, as introducing for the first time a principle which authorises the forcible removal of lawfully inducted Ministers from their Churches and congregations, Established by their own exertions, without fault, without form of process, and in opposition to the mutual wishes of Minister and People, I think it my duty to forward the enclosed documents.
which are faithful transcripts of the originals, that the same may be available should these cases be brought under the notice of the Commission by reference from the Right Honorable the Secretary of State for the Colonies.

I have, &c.,

JOHN MOGARVIE, D.D.
Minister of St. Andrew Ch., Sydney.

To the Reverend The Convener of the Colonial Committee.

[Sub-enclosure No. 3.]

[This was a printed copy of the petition of the Presbyterians to the legislative Enclosures, council with eight hundred and ninety signatures in manuscript.]

[Sub-enclosure No. 4.]

[This was a copy of the supplement to the "Sydney Herald," dated 20th December, 1841.]

[Sub-enclosure No. 5.]

[This was a printed copy of the petition of a committee of the congregation of St. Andrew's church, Parramatta, to the governor and council, dated 21st June, 1841.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 66, per ship Whinot.)

Sir,

Downing Street, 21 February, 1842.

I transmit to you herewith the Copy of a Dispatch, with its Inclosures, from the Governor of South Australia explanatory of the present state of the relations, which exist between the Overland Parties travelling from New South Wales to that Province and the Aboriginal Tribes inhabiting the River Murray. I also inclose a Copy of the answer, which I have returned to that Dispatch; and I shall hope at an early period to learn your opinion on the proposal submitted by Governor Grey for the mutual protection of those Parties and of the Aborigines.

I am, &c.,

STANLEY.

[Enclosure.]

GOVERNOR GREY TO LORD JOHN RUSSELL.
(Despatch No. 16.)

Government House, Adelaide.

My Lord,

3rd August, 1841.

I have the honor to enclose various documents explanatory of the present state of the relations, which exist between the overland parties and the Aboriginal Tribes inhabiting the River Murray. Amongst these papers is a copy of the proceedings of the Council and aborigines of Government on the 10th July, 1841, and I have to request your Lordship's consideration of the Minute, which on that day I read to the Council. Although I do not doubt your Lordship's approval of the course I have adopted, it is still necessary for me to explain at some length a state of things, which is now arising from the progress of these Colonies, and which has not hitherto existed; but which entailing a great loss of human life and an utter defiance
21 Feb.

Necessity for preventive measures.

Attacks by aborigines on overland parties.

Inability to provide efficient protection.

Action of overland parties.

Effect of conflicts with aborigines.

of all law, appears to call for the interference of the Home Government, inasmuch as that, in order to accomplish anything effectual for the eradication of this evil, it will be necessary that combined measures should be adopted by the Governments of the different Colonies. Instructions from the Secretary of State appear to be the readiest mode of bringing this about.

At the present moment, the Native Inhabitants of the Country intervening between the settled districts of this Province and those of New South Wales have assumed a more hostile attitude, than those wandering tribes have ever previously done; and, in the last three attacks which they have made upon European parties, the Natives have been completely victorious, killing and wounding several Europeans, and carrying off and destroying property to a very considerable amount. Emboldened as they are by these successes, and unfettered by any feelings of compunction and remorse, it is to be expected that they will contemplate a renewal of attacks, which yield them so large a booty.

The tracts of country inhabited by these people being many hundred miles in length, it appears impossible for the Government to occupy its whole extent either with Troops or Police Stations; no efficient protection can therefore be afforded by these means to parties travelling overland.

At the same time, it appears impossible to restrain the enterprise of private individuals, who, actuated by the hope of the large profit which may be realized by the transfer of sheep, cattle and horses from one market to the other, readily encounter all risks, voluntarily withdrawing themselves from the protection of the British Government, and, armed and prepared for hostile proceedings, they penetrate into the territories of inimical tribes; thus virtually making war upon their own account, for the fate of those who have preceded them and their own apprehensions naturally lead them to endeavour to strike terror and awe into the tribes amongst whom their route lies.

The worst possible impression is thus produced upon the minds of the Natives, and a bad feeling is propagated amongst the Settlers. The former looking upon all white men as their foes and being kept in ignorance that there is a Government to which they can appeal for protection; the latter acquiring a lawless habit of avenging their own wrongs, and of carrying out their designs, without regarding whether or not the laws will bear them harmless in so doing.

There is, I apprehend, a wide difference between the case of men, who from motives of private speculation voluntarily engage in pursuits, which are almost certain to terminate in bloodshed, and that of those, who from unforeseen accidents are compelled to pass through the territories of hostile tribes, or who are called there by some public duty, or who enter such districts only after the Government has declared them open for location, and where they consequently have a right to expect that protection will be afforded to them.

The view. I have taken of the case of those who withdraw themselves from the Districts over which the Government exercise control, and enter those in which they are almost certain to be forced into encounters with the natives, is that there are two evils resulting from these proceedings, which it is the duty of the Government to prevent.
The first of these is that individuals, who are ignorant of the amount of danger they have to encounter, are engaged as servants, and, without any sufficient force for their protection being provided by their employer, are placed in positions which too often result in their death. The late occurrences have given forcible illustration of this.

The second of these evils is that the Natives are subjected to much ill-usage by parties of this kind, and feelings are excited in their breasts which produce consequences unfortunate not only to themselves, but to other Europeans whom they may subsequently meet with.

The first means, that presented itself to me of checking these evils, was to compel the overland parties to travel in a regular caravan, under the guidance of an officer duly appointed for that purpose by the Government. This mode of proceeding is, however, objectionable, for each single party bring with them so large an amount of stock, that they cannot obtain more food than suffices for the wants of their own stock, and the country would not yield anything like a sufficient supply for several such parties combined in one caravan.

But each overland party moving separately, as they now do, might be accompanied by a small force of Mounted Police; probably from eight to ten men would be sufficient. This Police force and the rest of the party should be placed under the command of an Officer appointed by the Government, and his endeavours should be directed as well to the establishing of friendly communication with the tribe amongst whom they moved, as to the safety of the party under his command.

The additional expense, incurred by this Police Force being attached to the overland party, should in justice fall upon the proprietor of the Stock. It appears that it would be no real hardship either to compel him to provide properly for the safety of those whom he leads into danger, or to prevent him altogether from leading them into such danger. This holds good as far as his European servants are concerned; but I think further that the Government, in considering the rights of the Aborigines, are bound to interfere also for their welfare and protection; the plan that I have proposed would most effectually do this.

Acting upon these principles, upon the receipt of a Letter from a Mr. Ellis, asking a second time for assistance for the overland party alluded to in my minute of the 10th July, I referred it to the Commissioner of Police; and, finding from his answer that a Sub Police escort Inspector, Serjeant and ten men of the Police Force could be spared for the purpose, I consented to their being allowed to assist Mr. Ellis upon the condition of his completing the party to twenty-six men, and defraying the whole of the expenses of provisions, transport, etc. The whole party were also to be placed under the command of an officer appointed for the purpose by the Government. My letter to Mr. Ellis of the 27th July will place your Lordship in possession of every information on this point.

The terms proposed by me were accepted by Mr. Ellis, the necessary orders were given to the Commissioner of Police and duly executed by him, and a party of twenty four men, one native, one serjeant, and one sub-inspector started to the assistance of Mr.
HISTORICAL RECORDS OF AUSTRALIA.

1842.
21 Feb.

Method for compelling employment of police by overland parties.

Robinson, the whole of them being placed under the orders of the Protector of the Aborigines; my Instructions to that Gentleman are forwarded with this Despatch.

If a similar system to this could be adopted in the Colony of New South Wales, a stop would be put to the frightful scenes, which it has been lately my duty to detail to Your Lordship. In both the late instances of attack on overland parties, after a careful enquiry into the circumstances, I feel assured that proper precautions were not taken, that they were not efficiently armed, and that, if they had been accompanied by a small party of Police, the disasters, which occurred, would never have taken place.

Some difficulty might be found in compelling overland parties voluntarily to incur the expense of paying for the assistance of a party of Police; but, should it appear to Your Lordship that the late occurrences have rendered it necessary for the Government to interfere in the manner I have indicated, the Governors of the different Australian Colonies might be directed to issue proclamations, calling upon persons to refrain from entering certain districts, unless accompanied by a Police Force; and, in the event of any individuals disregarding such proclamation, the Governor of the Colony into which the party entered could, in the event of any collision having taken place between them and the Natives, be required immediately to institute an enquiry into all the circumstances which had occurred, and to cause proceedings to be commenced against any persons, who might have committed acts of hostility upon the Aborigines.

I felt it to be my duty, on receiving the first intimation of the disturbances which had occurred, to communicate the intelligence to the Governor of New South Wales, in order that he might take any precautionary measures which he conceived to be necessary. I should, therefore, think it by no means improbable that Sir George Gipps will also communicate with Your Lordship on the subject of the present Despatch, and his acquaintance with the Colony of New South Wales may possibly have led him to adopt temporarily, and to recommend to your Lordship measures different from those to which I have alluded. I have, &c,

G. GREY.

[Sub-enclosure No. 1.]

MINUTES OF EXECUTIVE COUNCIL.

MINUTES OF EXECUTIVE COUNCIL.

Saturday, 10th July, 1841.

At a Meeting of Council held this day at 2 o'Clock.

Present—His Excellency The Governor; The Colonial Secretary; The Advocate General; The Surveyor General.

The Minutes of last Meeting were read and confirmed.

His Excellency then read the following minute:

Gentlemen,

An application has been forwarded to me requesting me to supply a party proceeding to the Murray to the rescue of Mr. Robinson with eighteen fuses, with bayonets and cartouche boxes, and also to permit the Serjeant armourer to make up ball cartridges for them, which will be paid for.

No information whatever of a more detailed nature has been laid before me. I therefore feel decidedly adverse to lending arms and ammunition to a party with whose intentions I am altogether unacquainted, and over whose actions I can exercise no control whatever.

I fully admit that it is the duty of the Government to afford all practicable protection to the Settlers; by this rule I have acted and am prepared still to act; but
STANLEY TO GIPPS.

it must be borne in mind that I have a double duty to perform. The Aborigines of this country as well as the Settlers are subjects of the Queen. At the same time that she has assumed a sovereignty over their ancient possessions, she has professed an earnest desire to promote the interests and welfare of this people, and has issued to me, in my capacity of Governor of this Colony, positive instructions upon this point under the Royal Sign Manual.

It is therefore my duty, as well as that of the Council, to do our utmost to protect the Aborigines as well as the Settlers, and we should allow no circumstances whatever to excite in our breasts a desire for revenge. We must, acting in the position in which we are placed, be dead to such feelings.

I can therefore never sanction any mode of punishment, which may involve alike the innocent and guilty men, women and children in its consequences; and, as I cannot in the present position of affairs see what might be the result of placing arms and ammunition in the hands of eighteen persons with whose disposition, degree of discipline and feeling towards the natives I am utterly unacquainted, I entertain a decided objection to pursuing this course.

The case now under consideration is a remarkable one. It appears that Mr. Robinson was aware of the dangers he was to encounter and voluntarily withdrew himself beyond the portions of this Continent, where British law can be enforced with a large armed party determined at all hazards to force his way across; and this in a matter of private adventure, not of public utility. Under these circumstances it is obvious that, should acts of injustice be committed by any individuals of this party upon the Natives, the Government will never hear the complaints of the Aborigines, nor can the British law afford redress to them.

I have thought it right to submit these remarks to the Council to request them to give the subject a mature consideration, and then to pronounce an opinion as to whether it would be advisable or not to decline to accede to the application, which has been made to the Government for arms and ammunition.

The Members then, after duly considering the question, unanimously declared an opinion that it would not be advisable to furnish arms and ammunition to a party with whose intentions they were unacquainted, and over whose actions they could exercise no control.

Adjourned at 3 o'clock. G. GBEY.

A. M. MUNDT, Clerk of Council.

[Sub-enclosure No. 2.]

MR. JOHN ELLIS TO GOVERNOR GREY.

Sir,

Adelaide, 23rd July, 1841.

It appearing, by accounts received from New South Wales, that Mr. Robinson, in whose behalf I made my former application, and who was to leave that Colony escort for overland journey to Lake Victoria and the Rufus in less than three weeks, and being anxious not only for the safety of himself and his men, but being also interested in the property under his charge, I do myself the honor of addressing your Excellency in the hope that the proposal, I am about to make, will meet your Excellency's approval and the assistance of the Government, when such imminent danger threatens so many of her Majesty's subjects. If your Excellency had been pleased to accede to my request for arms, I would have considered myself responsible for the conduct of my party, having only in view the safety of those in charge of the Stock in the application I made; and it is probable that my not having been sufficiently explicit on that occasion was the cause of your Excellency not considering yourself justified in granting my request. I should now however hope that you will take the perilous situation of Mr. Robinson's party into consideration, and endeavour to save both them and the natives from the fatal collision, which must inevitably take place between them, if a body of men be not immediately sent to prevent it. I shall most cheerfully supply Provisions for a party of 20 men and a bullock dray, and that strength would I conclude be sufficient to prevent bloodshed and to save to the Province not only a number of enterprising individuals but a valuable importation. I would therefore beg that your Excellency, on the part of the Government, would be pleased to send out a party of 20 men under duly appointed officers, solely for the purpose of protecting and escorting in safety to the settled districts those whose chance of escape from destruction is but poor, if such a step is not taken; and I trust that the offer I have made of defraying so considerable a portion of the expense will induce your Excellency the more to grant the assistance which is so much and so speedily required.

I have, &c.

JOHN ELLIS.
HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 3.]

MEMORANDUM.

Police Commissioner's Office, 26th July, 1841.

POLICE escort proposed.

Police escort to be provided.

Store, etc., for use of party.

Memorandum for protector of aborigines.

Police escort proposed.

Police escort to be provided.

Acceptance of proposal by J. Ellis.

Stores, etc., for use of party.

Memorandum for protector of aborigines.

POLICE escort proposed.

Police escort to be provided.

Acceptance of proposal by J. Ellis.

Stores, etc., for use of party.

Memorandum for protector of aborigines.
STANLEY TO GIPPS.

Replying upon your usual zeal in the cause of the Natives, I feel assured that you will let pass no favorable opportunity of establishing more friendly relations with the hostile tribes; with this view, you must if possible procure the assistance of Interpreters.

Should the Sub-Inspector of Police have an opportunity of capturing any of the Natives, who were concerned in the late murders, it would be desirable that he should do so; but the hope of accomplishing this must not lead you away from the main object, which you are to bear in view, viz., the preventing any collision between the party of Mr. Robinson and the Natives.

With regard to the distance you are to proceed, you must be entirely guided by your supplies of provisions. These having been provided by private persons, who are more deeply interested in the safety of Mr. Robinson's party, and who must have the best information as to the probable time of his arrival, it is to be presumed that you will find them sufficient; it will, however, be your duty in as far as possible to economize them; and, when their exhausted state will admit of your proceeding no further, it will of course be necessary for you to return.

The Sub-Inspector of Police has been directed to conform himself altogether to the orders he may receive from you, unless in the event of the natives having actually made an attack upon the party, when it will become necessary that he should make such dispositions as he may judge necessary for the safety of the men under his command.

In conclusion I must refer you to the Instructions, which were directed to you on the 31st May, as containing my views of the position in which I should desire you to place yourself with regard to the Natives.

G. GREY, Governor, S. Australia.

[Enclosure No. 2.]

LORD STANLEY TO GOVERNOR GREY.

Sir,

Downing Street, 21st February, 1842.

I have received your Dispatch of the 3rd of August last, Despatch No. 16, enclosing various Documents explanatory of the present state of the relations, which exist between the Overland Parties travelling from New South Wales to the Colony under your Government and the Aborigical Tribes inhabiting the River Murray, and submitting a plan which you propose to adopt for the mutual protection of these parties and of the Aborigines.

As it appears that you have communicated your proposal to the Governor of New South Wales, and as I may, therefore, expect ere long to receive a report on the subject from that Officer, to whom I shall however transmit a Copy of your Dispatch, I shall defer my answer to your present Communication until the arrival of the Report.

I am, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 67, per ship Wilmot.)

Sir,

Downing Street, 22 February, 1842.

I have received an application in favour of Mr. Robert Copeland Lethbridge, who is desirous of obtaining the Appointment of Stipendiary Police Magistrate at Penrith in New South Wales. It is represented that Mr. Lethbridge has for some period acted in the Commission of the Peace, and that he fills gratuitously the Office of Chairman of the Bench of Magistrates at Penrith.

I perceive, on reference to the Blue Book, that Mr. Dunlop was appointed by you to the Office of paid Police Magistrate at...
1842.
23 Feb.
Report required re former police magistrate at Penrith.

Penrith on the 18th of June, 1838, and that the Office was subsequently discontinued, and Mr. Dunlop appointed Police Magistrate at Wollombi on the 18th November, 1839. I should wish to be informed under what circumstances Mr. Dunlop received his first Appointment of Police Magistrate at Penrith, and also what may have led to the discontinuance of that Office, and the transfer of Mr. Dunlop to Wollombi.

I am, &c.,
STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 65, per ship Wilmot.)

Sir, Downing Street, 23 February, 1842.

I have received your Dispatch No. 78 of the 24 March, 1841, in which you notify that you had found it necessary to appoint a Deputy Registrar and a Deputy Sheriff at Port Phillip, and that you had nominated, subject to approval, Mr. Francis Merewether to the former Situation (Deputy Registrar) with a Salary of £450 a year; and Mr. Samuel Raymond to be Deputy Sheriff with a Salary of £400 a Year.

Her Majesty’s Government approve of the creation of these Offices and of the salaries which you have assigned to them. I have also to confirm the nomination of Mr. Merewether to the Office of Deputy Registrar; but I have appointed Mr. Alister Mackenzie to be Deputy Sheriff at Port Phillip, and he will shortly proceed to the Colony.

I am, &c.,
STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 69, per ship Wilmot; acknowledged by Sir George Gipps, 24th August, 1842.)

Sir, Downing Street, 24 February, 1842.

With reference to my dispatch of the 17 ulto., in which I called upon you for further explanations on the charge of £289 12s. 6d., which appears in the Schedule of Special payments for the Quarter ending 31 March, 1841, for the Passage and Freight of the Luggage of Judge Willis and other Judicial Officers on their removal to Port Phillip, I transmit to you, herewith, for your information and guidance, the enclosed Copy of a letter from the Secretary to the Board of Treasury, stating that, subject to the reservation with respect to the charge above mentioned, the Comrs. of Audit have been authorized to admit the Expenditure that may attend the several arrangements reported in the Schedule of the 25 of April last.
I have to direct that you will furnish the Annual Account, which the Lords of the Treasury are desirous of receiving of the Expencc incurred for the Government Printing Establishment, together with the other information relative to that Establishment mentioned in the enclosed letter.

I am, &c.

STANLEY.

[Enclosure.]

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir, Treasury Chambers, 17 Feb., 1842.

In reply to your Letter of the 15th Ulto. transmitting returns of new appointments to public Offices and of all payments of a special nature in New South Wales for the Quarter ended the 31st March, 1841, I am commanded by the Lords Comrs. of H.M.'s Treasury to acquaint you, for the information of Lord Stanley, that, subject to the reservation mentioned in your letter with respect to the Charge of £289 12s. 6d. for the passage and Freight of Judge Willis and other Judicial Officers consequent on their removal to Port Philip, My Lords have signified to the Comrs. of Audit their sanction for the admission of the Expenditure that may attend the several arrangements reported in the Schedule, which accompanied Sir G. Gipps' despatch of the 25 April last.

Referring however to the Correspondence relating to the establishment of a Government Printing office, I am to request that you will observe to Lord Stanley that my Lords conceive it to be on all occasions more advisable that Services, which can be performed by ordinary Tradesmen and which admit of exact estimation and check, should be executed by Contract, and that they are much averse to the maintenance of Public Establishments for purposes of this description.

In assenting therefore, in deference to Lord Stanley's opinion, to the arrangements reported by Sir George Gipps as an experimental measure, My Lords have to suggest that the Governor should be desired to furnish a distinct account at the close of each year shewing what has been the expence of every description incurred for the printing Establishment and the amount of any Income derived from it, and also the quantity of work performed for the public Service, and the charge for which the same would have been executed, according to the terms of the last subsisting Contract.

I am, &c.

C. E. TREVELYAN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 40, per ship Chatham; acknowledged by lord Stanley, 21st September, 1842.)

My Lord, Government House, 24th Feb., 1842.

As an example of the way in which the Bounty system is checked by this Government, I forward to Your Lordship the Report of the Immigration Board on the Immigrants by the ship "Duke of Roxburgh."
Your Lordship will perceive by this Report that Bounties have been disallowed to the amount of £304, principally on account of Girls (several of them from the Workhouse of Newington), who were not under the protection required by the Regulations, and of whom some were notorious Prostitutes.

A similar check is exercised in every case; and it has rarely happened of late that a party of Immigrants has passed the Board without some disallowance.

I think it proper to add that the Bounties are invariably withheld on single women, if not under the protection required by the Regulations.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MESSRS. MEREWETHER AND BROWNE TO COLONIAL SECRETARY THOMSON.

Sir, Immigration Office, Sydney, 8 February, 1842.

We do ourselves the honor to acquaint you, for the information of His Excellency the Governor, that, at the request of Messrs. Gore and Co. of this town, we have examined the parties enumerated in the margin,* whose names, ages and descriptions, together with the Amount of Bounty payable for each are inserted in the accompanying List, and who have been Selected and Sent to this Colony in pursuance of an unconditional authority granted to those gentlemen on the 31st August, 1840.

These Immigrants left Cork on the 4th September, 1841, under the Medical Superintendence of Dr. Robert H. Milner, in the Ship "Duke of Roxburgh," Captain S. P. Collard, and arrived at Sydney on the 10th Ultimo.

They have in every instance produced Certificates of Age, character, etc., signed in the manner prescribed by the Colonial Land and Emigration Commissioners; from a careful perusal of which, as well as from personal observation, we have reason to believe that they are of occupations of which they describe themselves to be, and are eligible as Bounty Immigrants under the Regulations of the 3rd March, 1840; And, as they have reached this Colony in a clean and healthy condition, and State themselves to be perfectly satisfied with the Water and Provisions issued to them during the voyage, we beg to recommend that the Amount due on this Account, viz., two thousand seven hundred and sixty pounds, may be paid to Messrs. Gore and Co.

His Excellency will observe that we have recommended the retention of the Bounties claimed for William and Mary Conn, presented to us as a married couple, but appearing from the Certificates produced in their favor to be Single, until proof of their marriage can be afforded.

We have recommended the disallowance of Bounties on Mary O'Connor, whose dress and appearance showed her to be very much above the class of persons eligible for a free passage under the Regulations now in force; on Richard Robinson, a single man whose certificate was not signed by the Commissioners; on Mary Day, Ann Foster, Sarah Harris, Jemima Hawkins, Louisa Hudson, Helen

* marginal note.—29 Families, 40 Single Men, 34 Single Women.
GIPPS TO STANLEY.

Lee, Bathsheba Littlewood, Sarah Longman, Catherine and Ann McCabe, and Harriet McGrow, Single females, who appeared to us not to have been under the protection required by the Regulations; and on Mary O'Donnell, until it can be Satisfactorily Shewn that She is engaged as a domestic Servant.

We regret to State that, of the Single women above reported not to have been under proper protection, six were inmates of Newington Workhouse before their embarkation, and some of this number, if not all, notorious prostitutes. The bad character of two of them is placed beyond doubt by their conduct since their arrival, as reported to the Immigration Agent by the Water Police Magistrate in the communication annexed. Their behaviour on board has also been reported by the Surgeon to have been very disorderly. A third, Harriet McGrow, known on board by the nickname of the "Duchess," we have also reason to think had been a common prostitute.

The excess of single males by this Ship is more than equalled by an excess of females imported by the Messrs. Gore in former Ships.

We beg to add that we have enquired whether the conditions upon which the gratuities, established by the Regulations of the 3rd March, 1840, in favor of the Surgeon Superintendent and Officers, have been duly fulfilled, and to report, for H.s Excellency's information, that we consider those gentlemen deserving of and entitled to receive the same. We are also of opinion that they are entitled to gratuities on the six single women from the Newington Workhouse, as the fact of their having been inmates of that Institution was reported to us by the Surgeon, in answer to a letter addressed to him by the Immigration Agent, and the bad conduct of two of them during the voyage was noted in his Official Report.

We have, &c,

FRANCIS L. S. MEREWETHER.
H. H. BROWNE.

[Sub-enclosure.]

MARY ANN FORSTER came out an Immigrant by the Ship "Duke of Roxburgh," was Report by sent on board from the Newington Workhouse where she had been two months. H. H. Browne

Saw Richards, a Waterman, on board on Saturday last, who asked her to come re immigrants, and live with him. She left the vessel and took her clothes with her. Richards took her to a Public-house on the Rocks and has been cohabiting with her ever since. States also that a Girl of the name of Jemima Hawkins is living in the same house with a man named Griffiths who took her from the same Ship on Tuesday last. Hawkins was also in the Newington Workhouse.

I think there can be no doubt these Girls have been Prostitutes all their lives.

19 Jan'y., 1842.
H.H.B.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 42, per ship Harrington.)

My Lord,

Government House, 26th Feb'y., 1842.

With reference to my Despatch No. 34 of the 18th inst.

I have the honor to forward herewith a further List of Bills drawn by me on the Lords of the Treasury in the whole amounting to £32,736 3s. 8d.

I have, &c,

GEO. GIPPS.
RETURN of Bills drawn on the Lords of the Treasury by Sir George Gipps on account of the Debt due to the Government of New Zealand.

No. | Date       | To whom endorsed          | Amount               |
----|------------|---------------------------|----------------------|
17  | Feb. 15    | Prosper de Mester, Esquire| £16,882 15 0        |
18  | June 17    | Robert Leslie             | 3,300 0 0            |
19  |             | Bank endorsed             | 500 0 0              |
20  |             | do                        | 500 0 0              |
21  |             | do                        | 500 0 0              |
22  |             | do                        | 500 0 0              |
23  |             | do                        | 500 0 0              |
24  |             | do                        | 500 0 0              |
25  | Feb. 22    | Archibald Sharpe          | 3,000 0 0            |
26  |          24 | Samuel Jackson on account  | 2,500 0 0            |
27  |            | of the Union Bank         |                      |
28  |            | Aspinall, Browne and Co.  | 2,000 0 0            |
29  |            | Andrew Stewart and Co.    | 3,000 0 0            |

Total: £32,736 3 8

Colonial Treasury, 26th February, 1842.

C. D. Riddell.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 71, per ship Wilmot; acknowledged by Sir George Gipps, 23rd July, 1842.)

Sir,

Downing Street, 28 February, 1842.

I transmit to you, herewith, Copy of a letter, with its Enclosures, from the Secretary to the Board of Treasury on the subject of Advances made by that Board in payment of Bills drawn by the British Consul at Rio de Janeiro, to the amount of £3,376 2s. 9d. to defray the expense of relieving and forwarding to New South Wales a number of Emigrants rescued from the British Barque "India," which was destroyed by Fire on her Voyage from Greenock to Port Philip.

In compliance with the request of the Lords of the Treasury, I have to direct that you will ascertain what amount of Bounty would have been payable in respect of the Emigrants on board the "India," had the Vessel completed her Voyage, and that you will cause the same to be paid over to the Commissariat Chest on the Station, in order that it may be applied in Liquidation of the Advances which have been made by the Lords Commrs. of the Treasury in payment of the Bills drawn at Rio by the British Consul.

I am, &c.,

STANLEY.
MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir,

Treasury Chambers, 14th Feb., 1842.

In consequence of the destruction by fire, in the Month of July last, of the British Barque "India" on her voyage from Grenock to Port Phillip in New South Wales, the Lords Commissioners of Her Majesty's Treasury have been called upon to pay Bills to the amount of £3,376 2s. 9d. drawn by Mr. Hesketh, Consul at Rio de Janeiro, to defray the expense of relieving and forwarding to New South Wales a number of Emigrants rescued from the burning Wreck, and conveyed to that Port by a French Vessel.

From the information before their Lordships, they do not apprehend that any portion of this Expenditure can be recovered, either from the Owners or the Insurers of the Vessel; but, as most of the Emigrants were proceeding under the Bounty Regulations of the Government of New South Wales, their Lordships conceive that the greater part, if not the whole of it, will be most properly payable from the Immigration fund of that Government.

I am therefore directed by their Lordships to transmit to you, for the information of Lord Stanley, copies of such documents in their possession as will put his Lordship fully in possession of all the circumstances of this transaction; and I am to suggest that the Governor of New South Wales be instructed to ascertain what amount of Bounty would have been payable in respect of the Emigrants on board the "India," had the Vessel completed her voyage, and to cause the same to be paid over to the Commissariat Chest on the Station, in order that it may be applied in liquidation of the advances, which have been made by their Lordships in payment of the Bills drawn at Rio by Mr. Consul Hesketh.

I am, &c,

C. E. TREVELYAN.

I herewith annex a list of the Documents, copies of which accompany this Communication.

- A LETTER from Viscount Canning, dated the 3rd of November last.
- Despatches from Consul Hesketh, Numbered 24, 25, 26, 27, 28 and 29.
- The List of Passengers with other Documents, which accompany No. 25.
- Treasury Minute, dated 9th November, 1841.
- Solicitor's Reports, dated 1st December, 1841, and 22 Jany., 1842.
- Report from Land and Emigration Commissioners dated 10th Jany., 1842.

[Extract from this last Report.]

[Sub-enclosure No. 1.]

VISCOUNT CANNING TO SIR GEORGE CLERK.

Sir,

Foreign Office, 3rd November, 1841.

I have laid before the Earl of Aberdeen your Letter of the 28th Ultimo, Expenditure by respecting Bills for Thirteen hundred pounds, Two hundred and forty nine, and Two R. Hesketh on hundred pounds nine shillings and eleven pence half penny, drawn by Mr. Hesketh, immigrants. Her Majesty's Consul at Rio de Janeiro, for the relief of the Passengers of the British Vessel "India," and I am directed by His Lordship to transmit to you Copies of the several Despatches, which have been received at this Department on
this subject, and to request that, in laying the same before the Lords Commissioners of Her Majesty's Treasury, you will state to their Lordships that the amount of Consul Hesketh's outlay on this occasion appears to Lord Aberdeen to have been unnecessarily large, and is certainly not warranted by his Instructions; and his Lordship will be prepared to write to Consul Hesketh upon this subject, as soon as he is made acquainted with the decision of the Lords of the Treasury in regard to the payment of the Bills above mentioned, and with their opinion upon Consul Hesketh's proceedings.

I am, &c,

CANNING.

[Sub-enclosure No. 2.]

[1] CONSUL HESKETH TO VISCOUNT PALMERSTON.

(Despatch No. 24.)

My Lord,

My honor to place before Your Lordship the following distressing particulars of the Destruction by fire at Sea of the British Barque "India," Hugh Campbell Master, on the 19th of July last, in Latitude 16° 41' S, and Longitude 33° 35' W. bound from Greenock to Port Phillip, New South Wales, with Emigrants. On the 24th Ulto., the French Whaler "Roland," Oliver Leocarmel Master, arrived at this Port, having on board one hundred and ninety eight British Subjects consisting of Men, Women and Children saved from the Burning Wreck of the "India."

I refer Your Lordship to the Enclosed statement, the Master of the "India" has made of this Melancholy catastrophe, proving that it was occasioned by a censurable negligence of proper precaution in using Candles while drawing Spirits, and adding another to many lamentable instances of similar calamities from the same cause.

If the French Vessel had not been in sight, the probability is that none on board could have escaped; and, even with this providential assistance seventeen of the Passengers and one of the Crew were drowned; I enclose a List of those who perished; four Widows and nine Children are left.

Everything was lost with the Vessel, as, owing to the rapidity with which the Flames spread there was barely time to save lives, and consequently these unfortunate persons crowded on the Deck of the French Whaler for six days for want of accommodation below, and, destitute of sufficient clothing, were unavoidably exposed to much suffering, although every assistance, which the Crew of the Roland could afford, was furnished.

On their arrival, no time was lost in providing Lodging and all the Families and Women were landed on the Evening of the 24th Ulto., and on the following day the remainder of the Passengers.

The Crew of the "India" were in the first instance placed on board Her Majesty's Ship "Crescent," and have been subsequently provided for in the customary manner.

With regard to the Emigrants, I determined to forward them to Port Phillip, the course which I adopted in the year 1833 in the case of the "Hibernia," and which was approved; but, as the poor Widows of those who perished are now placed in an unprotected and very different condition, I shall consult their wishes as to their return to Great Britain or continuing their Voyage to Port Phillip.

These Emigrants were all landed in such a miserable condition that, although the British Residents most charitably and liberally contributed Clothes, still I have found it requisite to furnish clothing to all and also bedding, confining however such supplies to what is indispensable, and victualling them as economically as possible.

I expect that within the next fortnight these Emigrants may be on their Voyage to Port Phillip, having contracted for a British Vessel of 386 Tons, the Barque Grindlay, to take them for the sum of £1,549 the vessel to provide Fuel and also fittings for their Berths. I shall have to draw on Her Majesty's Treasury for that Sum, and also for the cost of Victualling the Emigrants during the Voyage.

The expense of lodging, Victualling and Clothing in this place will form another item for which I shall have to draw on Her Majesty's Treasury; and every expedition in fitting out the "Grindlay" will be attended to in order to render this expense as low as possible.

By thus acting, I hope to afford the assistance required from me by these unfortunate individuals in a manner that will meet your Lordship's approval; and I trust that they may arrive in safety at their destination, where, from the charitable disposition of all the Countrymen in this Place, there is every expectation that they will not be allowed to land in a destitute condition.

I have, &c.,

ROBT. HESKETH, Consul.
(Despatch No. 25.)  
28 Feb., 1842.

My Lord,

Consul's Office, Rio de Janeiro, 23rd August, 1841.

In reference to the Despatch which I had the honor to address to your Lordship, dated 3rd instant, No. 24, I have now to acquaint your Lordship that the barque "Grindlay" sailed yesterday for Port Phillip, having on board 166 Emigrants rescued from the India, a List of whose names I herewith transmit.

Of the Passengers on board the India, three Widows and three Children return Port Phillip.

Previous to the Grindlay's departure, three women and two men part of the Emigrants absconded and concealed themselves. The names of these eleven individuals are stated at foot of the inclosed List, and the total number being 177 corresponds with that landed from the French Barque Roland, one child having died and another having been born during their stay at Rio de Janeiro.

For Your Lordship's information, I transmit enclosed copies of two letters, addressed by the Grindlay to His Excellency the Governor of Port Phillip.

I appointed one of the Emigrants, Mr. William Silburne to be Superintendent on board the Grindlay, and gave him charge of all the provisions, furnishing him with general instructions and with a set of regulations and Diet Scale which were notified to the Emigrants.

In order to secure prompt assistance in any emergency, I gave to the Master of the "Grindlay" a public Declaration of the Vessel's Voyage, soliciting for him, in case of need the aid of Her Majesty's Officers or of any Foreign Authority. The inclosed Copy of a Survey shews that the equipment of the "Grindlay" was efficient.

I shall advise in another Despatch the Bills drawn for the hire of the "Grindlay," and shall also draw separately for the cost of Victualling her.

The expense of clothing, lodging and boarding the Emigrants during their stay in this place will be drawn for separately and form the subject of a distinct Despatch.

I am,

ROBT. HESKETH, H.B.M. Consul.

[Annexure.]

[This was a list of the names of one hundred and sixty-six persons, who sailed in the barque Grindlay, six who returned to England, and five who absconded.]

[3] Consul Hesketh to Governor of Port Phillip.

Sir,

Consul's Office, Rio de Janeiro, 21st August, 1841.

In reference to the Letter, I have had this day the honor to address to Your Excellency, respecting the Emigrants about leaving this Harbour on board the British Barque "Grindlay" for Port Phillip. I have given to Mr. William Silburne this second Letter, requesting him to deliver it to Your Excellency, with a copy of the Vessel's Charter Party, a report of all the Passengers on board, as to their conduct and trades or occupation and any other particulars which may be useful to Your Excellency.

I consider myself fortunate in having had the assistance of such a person as Mr. Silburne to superintend on shore, in this Place, such a collection of persons under such trying circumstances, and his respectability, discrimination and firmness makes me confident that the Passengers will be comfortable.

I have consequently conceived it due to Mr. Silburne to give him this testimony of my approbation of his conduct, and my thankfulness for his assistance, he has rendered to me and I shall feel proud if Your Excellency gives consideration to these declarations, should he as a stranger require Your Excellency's countenance and support.

I am, &c.,

ROBERT HESKETH, H.B.M.'s Consul.


Sir,


The British Barque "India," bound from Greenock to Port Phillip with Burning of Emigrants, was unfortunately destroyed by fire at Sea on the 19th Ultimo in barque India. One hundred and ninety eight of the Emigrants and Crew were providentially saved by a French Whaler, the "Roland," in which Vessel they arrived at this Place on the 24th Ultimo, but seventeen of the Passengers and one of the Crew of the India perished.

I have now the honor to acquaint Your Excellency that I have taken up on Barque account of Her Majesty's Government the British Barque "Grindlay," for the purpose of taking to their destination the Emigrants rescued from the burning Wreck chartered.
of the "India," a List of whom will be delivered to you by Mr. Walter Grindlay Junior, the Master, signed by John J. C. Westwood of this Office, who will master them as the Vessel gets under weigh tomorrow morning.

The Barque Grindlay is completely fitted and victualed for the Voyage, and I have appointed, as Superintendent of the Emigrants on board, Mr. William Silburne, to whom I refer Your Excellency for all particulars respecting these Emigrants, every Document being lost in the rapid conflagration. Mr. Silburne is also the bearer of another Letter to Your Excellency.

These Emigrants having landed destitute, they have been clothed and have been victualed during their stay here as distressed British Subjects; there is not time to ascertain exactly the amount of the consequent expense, as all the accounts cannot be got in before the Vessel's departure; but, as it may be desirable to form some idea of the expense incurred on account of Her Majesty's Government in landing these unfortunate persons at Port Phillip, I estimate it at about £20 per head, including the charges here on Shore and those of the Voyage from hence to Port Phillip.

A Fund has been raised by private contributions which has been partly expended in Articles supplied to the Emigrants, and the remainder will be distributed amongst them on their arrival by Mr. Silburne and the Master of the Grindlay conjointly.

I have, &c.,

ROBERT HESKETH, H.B.M.'s Consul.

[5] SURVEY OF BARQUE GRINDLAY.

Pursuant to an Order from Sir Edward D. King, K.C.H., Rear Admiral of the Red, and Commander in Chief of the Brazil and Cape of Good Hope Stations.

We, whose names are hereunto subscribed, have been on board the British Emigrant Barque Grindlay and have taken a strict and careful survey on the equipment and victualling of the said Barque for the Transport of 173 Emigrants to their destination; and it is our opinion that she is fully equipped and victualed for that Service.

Given under our hands on board the said Barque at Rio de Janeiro, this 21st day of August, 1841.

W. HOSTE, Lieutenant,
J. H. MARTYN, Master,
SAM. J. BUTCHER, Purser.

Of Her Majesty’s ship Southampton.

[6] CONSUL HESKETH TO VISCOUNT PALMERSTON.

(Despitch No. 26.)

My Lord,

Consul’s Office, Rio de Janeiro, 23rd August, 1841.

The providential rescue of the passengers from the conflagration of the British Barque "India" having been detailed in a previous Despatch, I have now the honour to acquaint your Lordship that the sympathy, excited in this Place by their deplorable situation, was such that the following subscriptions were raised from the British residents, and including £18 15s. from the French Legation and Consulate, and seven hundred Dollars from the three American Men of War in Port £1,102 6 10

From Her Majesty’s Ship in Port 292 10 2

£1,394 17 0

This sum was applied by the Committee as follows:—

To the Master of the French Whaler "Roland"—A Gold Chronometer 65 ls. 0
To the Crew 1,600 francs 40 0 0

£218 15 0

To the two Mates and Crew of the British Barque India for their exertions in saving the lives of several Passengers 133 14 11
Donations to the Widows, a variety of Articles to the Emigrants including Tools to Artificers, Clothing to all and Medical Instruments for the Doctor 651 0 1

£682 10 0

To be distributed at Port Phillip by Mr. Silburne and the Master of the Grindlay conjointly 501 7 0

£1,394 17 0

Besides the above, £68 15s. has been subscribed by Foreign Residents not British for the Four Widows of those who perished. I have, &c.,

ROBT. HESKETH, H.B.M. Consul.
STANLEY TO GIPPS.

[7] CONSUL HESKETH TO VISCOUNT PALMERSTON.

(Despatch No. 27.)

My Lord,


In reference to the Despatch which I had the honor to address to your Lordship on the 3rd inst., stating the assistance afforded by the Master of the French Whaler "Roland" to the Passengers and Crew of the British Barque "India" immigrants; destroyed by fire at sea, I have now the honor to acquaint Your Lordship that application has been made to me through the French Consulate at this place for the expenses, to which the French Vessel was subjected by taking from the burning Wreck of the "India" and bringing into this Port 198 Individuals.

I enclose an account of the expenses amounting to Rs. 1,552 8s. 4d. or at 31d. per Mile £200 9s. 6d., which I hold from regular Vouchers and a Certificate from the French Consulate.

Under all these circumstances, I conceived myself authorized by the Instructions from Her Majesty's Treasury, dated May 18th, 1829, to satisfy this Claim for indispensable expenses incurred in saving the lives of so many individuals.

I have therefore this day drawn on the Lords Commissioners of Her Majesty's Treasury for the above Sum of £200 9s. 6d. at thirty days' sight, which account, accompanied with the regular Vouchers, will be entered in my General Account for the current year.

I have,

ROBT. HESKETH.

[8] CONSUL HESKETH TO VISCOUNT PALMERSTON.

(Despatch No. 28.)

My Lord,


In the Despatch which I had the honor to address to Your Lordship, dated 3rd instant, No. 24, I made known that I had contracted for the British Barque of barque "Grindlay" to take to Port Philip one hundred and seventy one Emigrants, rescued at Sea from the burning Wreck of the "India," for the Sum of £1,549, the Vessel to provide Fittings for Berths and Fuel.

I enclose a Copy of the Contract on which a Charter Party has been signed; and I have this day drawn on the Lords Commissioners of Her Majesty's Treasury for the above amount in two sets of Bills as follows:—

To the order of Messrs. Freelandker, Collings and Co. at 30 days' sight for 249 0 0

To the order of Mr. Walter Grindlay at 30 days' sight for 1,300 0 0

£1,549 0 0

which amount will appear in my General Account for the current year, with the tenders made, the Charter Party and receipts of the above Bills.

I have,

ROBT. HESKETH, H.B.M. Consul.

[9] CONSUL HESKETH TO VISCOUNT PALMERSTON.

(Despatch No. 29.)

My Lord,


According to the statement which I had the honor to make to Your Lordship for relief in my Despatch No. 25, dated 23rd ultimo, I now enclose an Abstract of the account of immigrants for victualing the Barque "Grindlay" according to a Tender and Contract for the Voyage of One hundred and seventy one Emigrants from hence to Port Philip, amount £630.

Also an Abstract of an Account for the Clothing, Bedding, Lodging and Victualling supplied in this place to one hundred and seventy five individuals during twenty nine days, and for amount of wages to Artificers for fitting up the "Grindlay" Sick Mess, and Medicines during the voyage and Boat hire, amount to £996 12s. 10d.

I reserve to be sent with my Annual Account all the Vouchers for each item of these different Accounts.

On the 4th inst., I drew on the Lords Commissioners of Her Majesty's Treasury at thirty days' sight Two Bills against the above stated Accounts.

To Order of Mr. Charles Tross, Six hundred and thirty pounds Sterling.

To Order of Mr. Charles Tross, Nine hundred and ninety six pounds, twelve shillings and ten pence halfpenny.

These Bills close the reimbursement of all the expenses incurred in relieving and forwarding to their destination the Emigrants saved from the India as is
shown by the inclosed Memorandum of the total Disbursement, specifying the expense per head on the respective items of rescue at Sea, Clothing and Bedding, Lodging and Victualling, and transport to Port Phillip.

There will be an expense of about £65 (Sixty five pounds) in forwarding to Great Britain three Widows and their three children, but that expense will be placed to the Annual account of relief afforded to distressed British subjects.

I have, &c.

ROBT. HESKETH, H.B.M. Consul.

[Sub-enclosure No. 3.]

COPY OF TREASURY MINUTE OF 9TH NOVEMBER, 1841.

Write to Viscount Canning that, although My Lords concur with Lord Aberdeen that Consul Hesketh's proceedings were irregular, and consider that Cases, in which any of Her Majesty's Consuls draw Bills on the Treasury otherwise than in accordance with the strict Letter of their instructions, ought to be subjected to a severe scrutiny, yet, considering the very peculiar position in which Mr. Hesketh was placed by the landing of so large a number of destitute British Emigrants at Rio Janeiro, and advertizing to the fact that a Charge of £1,463 16s. 9d. was sanctioned by the Treasury under similar circumstances in 1833 (See Sir E. Shee's Letter, dated June 10th, 1833), My Lords are not prepared to say that the course adverted to by Mr. Hesketh on the present occasion is deserving of official censure.

My Lords have, therefore, directed the Bills amounting in the aggregate to £3,376 2s. 9d. to be accepted, and they will take the necessary steps for examining the accuracy of the charges, as well as for ascertaining whether the whole or any portion of the sum is legally recoverable from the parties who freighted the vessel, upon which points my Lords will hereafter communicate further with Lord Aberdeen.

Authorize Mr. Sargent to accept and pay the Bills in question, amounting in the whole to £3,376 2s. 9d., and to charge the Amount to Consular Contingencies.

Transmit all the papers in original to the Solicitor, and desire that he will consider and report to My Lords whether it will be practicable to recover the whole or any portion of the Sum, which has been advanced by Consul Hesketh for relieving and forwarding to Port Philip the 171 Emigrants referred to, from the Owners of the British Vessel "India"; or any other Parties who had made themselves responsible for the conveyance of these persons to their destination.

[Sub-enclosure No. 4.]

[1] MR. C. BOURCHIER TO MR. C. E. TREVELYAN.

Sir, Treasury, 1st December, 1841.

With reference to your Letter of the 13th Ultimo, transmitting two Letters of expenditure, respecting certain Bills drawn by Mr. Consul Hesketh for the relief of the passengers of the ship "India," and desiring my report whether it will be practicable to recover any portion of the sum advanced by Consul Hesketh from the Owners of the "India," or any other parties who had made themselves responsible for the conveyance of these persons to their destination, I beg leave to acquaint you that, notwithstanding the Charter party or Contract which has been made for the conveyance of these persons, I can form no opinion on the question put to me.

I have applied to Viscount Canning for this Document and am informed by His Lordship that Copies of all the Documents in his Department were forwarded in his Letters of the 3d and 4th Ultimo, among which I do not find the paper I want.

I return all the papers transmitted to me. I am, &c.,

CHAS. BOURCHIER.

[2] MR. C. BOURCHIER TO MR. C. E. TREVELYAN.

Sir, Treasury, 22d January, 1842.

In obedience to my Lords' Commands, signified by your letter of the 13th inst., transmitting a Letter from the Colonial Land and Emigration Commissioners, herewith returned, respecting the Bills drawn by Mr. Consul Hesketh for the relief of the Passengers by the "India" for any further observations I may have to offer, in addition to my report of the 1st Ultimo, I beg leave to acquaint you, for My Lords' information that, as it appears by this Letter that there was no Charter party or written Contract, entered into by the Owners of the Vessel, there is no legal remedy against them; and, with regard to obtaining any money in respect of Bounty Orders, issued to these Passengers, I conceive that must be matter of negotiation with the Colonial Government.

I am, &c.,

CHAS. BOURCHIER.
STANLEY TO GIPPS.

[Sub-enclosure No. 5.]

LAND AND EMIGRATION COMMISSIONERS TO MR. C. E. TREVELYAN.

Extract.

Colonial Land and Emigration Board,

9 Park Street, Westminster, 18th January, 1842.

Sir,

We have the honor to acknowledge the receipt of your Letter of the 9th Uto. enclosing various Papers respecting Bills drawn by Consul Hesketh at Rio, for the relief of Passengers by the ship "India," and desiring for the information of the Lords Commissioners of the Treasury our opinion in regard to any proceedings which it may be practicable to adopt for the recovery of the expenses incurred from the capture of the "India." It appears that the Barque "India" sailed from Greenock for Port Phillip on the 5th of June last, with a number of Passengers reported by the Master at 187, of whom we infer from the Records of this Office that about 175 may have been what we termed Emigrants on Bounty. On the 19th of July the Vessel was consumed by fire at Sea, but fortunately the Crew and greater part of the Passengers were saved by a French Whaler which happened to be in sight. They were carried into Rio, where the Consul provided for their maintenance, and forwarded to their original destination all of the Passengers who were willing to proceed. The number who went is stated to have been 186. There is some difficulty in ascertaining the exact portion of this party who may have been Bounty Emigrants, but, as far as the records accessible to us enable us to judge, their number would appear to be 147. The expenses incurred in providing for the Passengers at Rio, and forwarding them to Port Phillip, amount to £3,376 2s. 9d. The expenditure per head appears to have been £6 5s. 3d. for conveyance to Port Phillip, making in all £19 7s. 6d.

We have the honor to report that the "India" was not chartered by the Government, nor under any species of Contract with the Government. The nature of the Emigration to New South Wales on Bounty is that, upon application at Sydney, a party receives an "Order" entitling him to payment of a certain sum, calculated to cover all costs, upon the introduction of eligible Emigrants into the Colony. The party makes his own arrangements, or, if he pleases, may leave his Order unexecuted. All that the Government does is to pay upon the actual landing and approval of the people, and not otherwise. It will be seen, therefore, that there was not, with the Owners of the "India," or with the Holder of the Order upon which they were acting, any Contract under which the Government could have a claim upon either party; neither do we apprehend that there could be any claim on the Owners on behalf of the Passengers, for we believe no principle is more generally admitted than that all Contracts for passage are terminated by accidents at Sea such as occurred in the present case. We are unable, therefore, to report any mode of recovering the expenses incurred by Consul Hesketh from the Owners of the "India." It will be seen, however, that there ought to remain a large amount of unclaimed Bounty available in the Colony. While the Agents for Bounty are not bound to land any given number of Emigrants at all, neither on the other hand does the Government agree to pay except for those whom they actually do land. In the present case, they landed none. And, as Mr. Hesketh informed the Superintendent at Port Phillip that he had sent on the "India's" Passenger in a Ship chartered "on account of Her Majesty's Government," it is to be presumed that no payment will have been made to the private parties. Considering then that the persons originally embarked as Bounty Passengers will have been of the description for whose introduction the Colony considers it worth while to pay, and that it does not seem at all likely that, without Consul Hesketh's interference, they could have reached their destination, it will probably be deemed that Her Majesty's Government has a just claim on the Colonial Treasury for the Bounty on these Emigrants. Their number cannot be stated exactly, nor the rate of Bounty per head, because the last varies according to the proportion of Children of different ages included in the whole number. But, assuming that the number is 147, as above stated, and that the rate per head amounted to the average rate on the entire Bounty Emigration into New South Wales in 1840, viz., £16 8s. 1d., the total amount recoverable as Bounty on this Party would be £2,374 13s. 3d. It may probably be a further question whether considering the serious evil that would have attended the leaving of this Body of people destitute at Rio, and the discredit that it would have been calculated to cast on Emigration by means of the encouragement held out by the Colonial Authorities, the entire charge of the maintenance and conveyance to their destination of such as were Bounty Emigrants might not be deemed an expense which the Colonial Government would have been.
to be undertaken on its own account. Had a ship been chartered expressly for that
Government, and met with a similar accident, there is no doubt that it would
have been deemed right to provide for the safe transport of the people to their
destination, and for their subsistence in the meanwhile. In the present case, the
private Charterers being freed from further liability, it would have followed that,
unless the public had interfered, these poor people must have remained entirely
destitute in a distant Country, an event which could not but have acted most
prejudicially on the prospects of Public Emigration to Australia. The expenditure
of Mr. Hesketh for maintenance and transport was as above mentioned £19 7s. 0½d.
per head, and on the supposed number of Bounty Passengers, vizt., 147, would
amount to £2,844 18s. 2½d.

T. FREEK. ELLIOT.
EDWARD E. VILLIERS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 72, per ship Wilmot.)

1 March.

Sir, Downing Street, 1 March, 1842.

I transmit to you the enclosed Copy of a letter from Mr.
William Wallace, making enquiry respecting a person of the
name of David Anderson, who emigrated from Scotland about
9 Years ago; and I have to request that you will send Home any
information you may be able to procure regarding that Indi-
vidual.

I am, &c.,

STANLEY.

[Enclosure.]

MR. W. W. WALLACE TO LORD STANLEY.

My Lord, Edinh., 7 Crichton St., 25 Feby., 1842.

I beg leave to make the following enquiry:—As Her Ma-
jesty's Secretary for the Colonies, I am informed your Lordship
can give me the required information.

A Person of the name of David Anderson, Mason here,
sailed nine years ago from Leith for Sydney, New South Wales, and his
Wife has never heard from him since that time. She wishes to
know, whether or not, from Documents in the Colonial Office, he be
dead or alive; if alive, whether he be at Sydney or Pt. Phillip.

I have, &c.,

W. W. WALLACE, W.S.

LORD STANLEY TO SIR GEORGE GIPPS.
(A circular despatch, per ship Duke of Manchester.)

1 March.

Sir, Downing Street, 1st March, 1842.

I transmit to you a copy of a Dispatch, which I have had
occasion this day to address to the Governor General of the Lee-
ward Islands on the case of a man named Reimbaud. You will
consider as addressed to yourself, for your own guidance, the
general instructions with which that Dispatch concludes.

I have, &c.,

STANLEY.
STANLEY TO GIPPS.

[Enclosure.]

LORD STANLEY TO GOVERNOR-GENERAL OF LEEWARD ISLANDS.

Sir, Downing Street, 1st March, 1842.

I have received Major Macphail's Dispatch, No. 87 of the 2d December, enclosing copies of a correspondence between Major Hart and the Governor of Guadeloupe on an application made by the latter Functionary for the restitution of a fugitive Merchant named Reimbaud who had absconded to Dominica.

I have to signify to you the instructions of Her Majesty's Government that, for the present, no fugitive within the Islands under your Government should be given up on application from any Foreign Power, without previous directions from home.

I have, &c,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 44, per ship Chatham.)

My Lord, Government House, 2nd March, 1842.

With reference to my Despatches Nos. 18 and 25 of the 30th Jany, and 6th Feby. last, on the subject of the delay of the Auditor General in forwarding the Accounts of this Colony to England, I have the honor to enclose a Copy of a further letter from Mr. Lithgow, stating that the accounts of the year 1839 have been forwarded by him.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir, Audit Office, Sydney, 1st March, 1842.

I have the honor to inform you, with reference to my Letter Accounts No. 13 of 15th January last, that I have this day forwarded to the Post Office the Colonial Treasurer's accounts for the year 1839, for the purpose of being transmitted to London by the Ship “William Jardine” announced to sail on the 10th Instant.

I have, &c.,

WM. LITHGOW, Audr. Genl.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch per ship Duke of Manchester.)

Sir, Col. Office, 4 March, 1842.

Mr. Ewen Cameron Macneil has been recommended to me by Mr. Henry Baillie, M.P., and by Mr. Alexander Campbell (Mowzie). He is a Nephew of Sir Duncan Cameron, and is at this time a temporary Clerk in the Council Department at New South Wales. If Mr. Macneil should really be competent to fill a situation superior to the very subordinate one he now holds, and an opportunity should occur of assisting him, I should be glad if you would avail yourself of it.

I remain, &c.,

STANLEY.
HISTORICAL RECORDS OF AUSTRALIA.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 45, per ship Chatham; acknowledged by lord Stanley, 28th August, 1842.)

My Lord,

Government House, 4th March, 1842.

I have the honor to forward herewith a letter, which has been addressed to Your Lordship by Mr. Lyon Campbell, a gentleman of high respectability in the Port Philip District, who is desirous of being employed in some office of trust and emolument under Government.

I know of no situation at present, to which he could be appointed, nor am I acquainted with his fitness for office; but I think it right to state that he is a gentleman to whom I have had it in contemplation to offer a Seat in the Legislative Council of New South Wales, in the event of the Council being increased in the manner proposed in the Bill* laid by Lord J. Russell before Parliament in the Session of 1840.

I enclose also a Copy of a letter from Mr. La Trobe, expressing his very favorable opinion of Mr. Campbell. I have, &c.

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, dated 4th February, 1842, will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 73, per ship Wilmot.)

Sir,

Downing Street, 5 March, 1842.

Warrant appointing F. Merewether, Esquire, to be Deputy Registrar at Port Phillip, New South Wales.

I transmit to you, herewith, with reference to my despatch No. 68, of the 23d Ulto., a Warrant under the Royal Sign Manual appointing Francis Merewether, Esquire, to be Deputy Registrar at Port Phillip. I have directed the Colonial Agent to pay to the Chief Clerk of this Office the Fees chargeable on this Warrant amounting to Eleven Pounds, Five shillings and six pence, which you will recover from Mr. Merewether. I am, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 46, per ship Chatham; acknowledged by lord Stanley, 17th August, 1842.)

My Lord,

Government House, 6th March, 1842.

Sir George Gipps to Lord Stanley.

I have herewith the honor to forward an application which has been addressed to Your Lordship by Mr. Henry Isler, praying that he may be admitted to the privileges of a free Denizen of this Colony.

* Note 38.
Mr. Isler is a Native of the Canton of Zurich, and carries on the business of a Tailor in the Town of Sydney.

From the respectability of the names of the gentlemen who recommend a compliance with the application of Mr. Isler, I have respectfully to request that I may be furnished with Your Lordship's authority to issue to him Letters of Denization under the Local Act of this Colony, 9th Geo. IV, No. 6.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

THE Humble Petition of Henry Isler residing in New South Wales.

To The Right Honorable The principal Secretary of State for the Colonial Affairs of Her Majesty the Queen of England.

Sheweth,
That, by an act of the Legislature of this Colony, dated 3rd July, 1828, and passed in the ninth year of the reign of George the fourth King of Great Britain, the Governor of the Colony of New South Wales is empowered to Grant Letters of Denization to all such respectable foreigners as may be recommended by the principal Secretary of State for the Colonies.

That your Petitioner is desirous of becoming a partaker of the advantages and privilege, which the natural born subjects of the Queen of England enjoy, and is ready and willing to obtain the same under the provisions of the Law in question.

That your Petitioner hath accordingly made the required application to His Excellency Sir George Gipps, Governor of this Colony, soliciting his recommendation on his behalf, and begs to submit the following particulars:—

That your Petitioner is a Native of Switzerland and was born in the Canton of Zurich, parish of Vedenschehl, on the 28th day of February in the year 1803.

That your Petitioner arrived in the Colony of New South Wales on the 30th day of December, 1832, and has ever since resided in Sydney carrying on the business of a Tailor and Draper.

That your Petitioner hath, by honest Industry, acquired some property in the Colony, and purchased land from the Government, but finds that, in consequence of being an alien, he cannot obtain direct Titles thereto.

Your Petitioner therefore most humbly solicits that the prayer of this Petition may be Acceded to, that he be permitted to become a subject of Her Majesty the Queen of England. And as in duty bound, Your Petitioner will ever pray,

15th February, 1842.
HENRY ISLER.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Duke of Manchester.)

7 March.

Sir,

Downing Street, 7th March, 1842.

My attention has been called by a variety of recent instances to the inconvenience arising to the Public Service from the lengthened leaves of absence granted to Civil Officers in the
1842.
7 March.

Prohibition of recommendations for extension of leave of absence.

Regulations re half salary.

different Colonies, and, in some instances, to those who have applied for and received an extended leave of absence without any intention of again resuming their duties.

In order in some degree to remedy this inconvenience, I have to request that you will, in future, abstain from accompanying your leave of absence to any Officer with a recommendation for extension of leave by the Secretary of State. Such recommendations make it very difficult to disappoint the expectations which they have raised; while the Public Service may sometimes be injuriously affected by a compliance with them.

I have further deemed it necessary to lay down a general rule that, for the future, the half Salary for the last half of the term of leave originally granted to the Colonial Officer shall only be receivable on the return of such Officer to his duty.

I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 47, per ship Chatham.)

My Lord,

Government House, 7th March, 1842.

Objections to I feel it my duty again to represent to Her Majesty’s Government the loss, which is occasioned to the Revenue of this Colony by the mode in which Rum is issued by the Commissariat to the Troops serving in it, as well as the evil to the Community, which is occasioned by the continuance of the issue of Rum, as a part of the Soldier’s Ration, which has been abolished, I believe, for many years in every other portion of Her Majesty’s Dominions.

The subject was brought by me under the consideration of Lord Glenelg by my Despatch of the 23d Jany., 1839, No. 21, and, in reply, I received a Despatch from Lord J. Russell, dated the 7th May, 1840, No. 53, enclosing an extract from a letter from the Secretary to the Treasury, dated the 4th of the same month, wherein it was stated that the Lords of the Treasury had enjoined the Deputy Commissary General in New South Wales, “to afford every facility to the officers of the Civil Government for giving effect to such precautions, as the Government may adopt for protecting the Local Treasury against any undue charge for Drawback.”

Notwithstanding however the receipt of this order from their Lordships, and a desire on the part of the Deputy Commissary General to comply with it as far as is in his power, the evil remains unabated; and it seems to me therefore necessary to explain more fully to Your Lordship, than I did in my Despatch to Lord Glenelg, the manner in which it arises.
It may be necessary for me to premise that I by no means seek or desire to make Her Majesty’s Government pay duty on any article, which may be imported for the use of the Troops or consumed by them; but, on the other hand, it does not appear to me reasonable that a large quantity of Rum should, under color of its being wanted for the Troops, be annually thrown into the general consumption of the Colony, free of duty, which is what actually occurs.

If the Commissary issued, by means of his own Officers, the Rum to the Troops, and if the Troops consumed what was thus issued to them, there would be no just cause of complaint on the part of the Local Government; but, instead of issuing the Rum himself, the Commissary makes the issue through the intervention of a Contractor, who not only adulterates what he issues, but to a very great extent issues money instead of Rum, and brings the Rum into general consumption, usually supplying it to Public Houses.

The Soldier in fact sells his Rum to the Contractor; and the Contractor sells it to the Publican or the Public; and, though there can be no doubt that this is illegal, and that every soldier, who so sells his Rum, might under the Law of the Colony be fined £30 for each offence, and the Contractor be dealt with as a Smuggler, the Local Government has never yet interfered to stop the practice, knowing that any such interference would be unpopular with the Military, and feeling too that it would be harsh and even criminal to force the Soldier against his will to swallow the destructive draught which is offered to him.

During the year 1841, 11,459 Gallons of Rum were taken out of the Bonded Stores, free of duty, for the consumption of the Troops in Sydney; and drawback was claimed on 9,833 other Gallons, alleged to have been issued to the Troops at outstations; and, supposing only one third of this quantity to have been brought into the general consumption of the Colony, the loss to the Colonial Government, at the present rate of duty (9s. per Gallon), would amount to £3,193 16s.

But, though I have thus set in the foremost point of view the loss which is occasioned to the Local Revenue by the issue of Rum to the Troops, I beg Your Lordship to believe that there are other grounds of far higher consideration, on which I am most anxious to see the practice abolished of issuing Spirits of any kind to the Troops in this Colony.

Drunkenness, it is well known, has ever been the prevailing vice of New South Wales, and the fruitful source of more than half of the crimes which are committed in it.
To suppress or to diminish this vice, the Government has used and is still using every exertion in its power; the Laws for the repression of it have been made from year to year more stringent; the duties on Spirits have for the same purpose, rather than for the sake of Revenue, been raised to their present high amount; the exertions of the Police have been unceasingly directed to the same object; and Societies, not less zealous than those which exist in other countries, have been formed with the approval and support of Government for the discouragement of the use of Ardent Spirits.

These exertions have not been, I am happy to say, devoid altogether of success; the crime of drunkenness, though still prevalent to a frightful extent, is on the decrease; and, notwithstanding the great addition which has lately been made to our Population, the gross consumption of spirits in the Colony is considerably less, I have reason to believe, now than it was three or four years ago.

Under such circumstances, I trust I shall not be considered as making use of too strong an expression, if I venture to say that the continued issue of Rum to the Troops is a scandal to the Government; and that, so long as Government openly by its own act proclaims that Rum is a necessary part of a Soldier's Ration, the efforts of the same Government to persuade the lower classes of the People, that the use of Ardent Spirits is hurtful to them, must be held in derision.

The issue of Spirits as a part of a Soldier's Ration was abolished throughout the Service generally by instructions from the Horse Guards, founded on a Royal Warrant, dated the 20th July, 1840; but these instructions were never carried into effect in New South Wales for reasons which are to be found in a Confidential letter, addressed on the 20th Jan., 1844, by Sir Richard Bourke to the Honble. James Stewart, then one of the Secretaries to the Treasury, of which letter a copy was also transmitted to Lord Fitzroy Somerset by Sir Richard Bourke on the same day.

This letter from Sir Richard Bourke was founded on the report of a Military Court of Enquiry, and on some letters from Commanding Officers of Regiments or Corps, in which it was shewn that the compensation then proposed to be made to the Soldier of 1d. per diem was an inadequate one.

The same arguments of the inadequacy of the proposed allowance of 1d. per diem, instead of Spirits, will still hold good, though I trust it will not be suffered any longer to prevail, and to perpetuate on the Colony and on the Soldiers themselves the evil of the present practice.
The Soldier's Ration consists of a pound of Meat, a pound of Bread, and one twenty-eighth part of a Gallon of Rum; and, for this Ration, he is made to pay 6d. The cost of the Rum to the Government may vary from 1½d. to 2d. per ration; and the value of it to the Soldier from 3d. to 6d., that is to say, he can sell it to the Contractor for 3d., but, if he had to buy it, it would cost him 6d. It must therefore be apparent that the compensation of 1d. for the Rum is an insufficient one even for the Commissariat to give, and far more insufficient for the Soldier to receive; in fact it would seem that, looking only to the price of the Rum, exclusive of Duty, the "Liquor Money," as it is I believe termed, should in this Colony be 2d. instead of 1d. per diem; and this would be the more reasonable, as the other articles of the Ration, namely, the Bread and the Meat, are charged to the Soldier at a higher rate than that at which they are obtained by the Commissariat.

Two pence, however, would be still an insufficient compensation to the Soldier; but, as this insufficiency would be attributable to the high rate of duty raised on spirits of every description by the Local Government, it has been argued that any further compensation, which it might be necessary to make to the Soldier, should come out of the Local Revenue; and, from the occasional mention of the subject, which has been made in the Legislative Council, I am disposed to think that an allowance, not exceeding 1½d. per diem, would be sanctioned by the Council, provided that, by such means and by no other, the issue of Rum to the Troops could be discontinued; at the same time, as such an arrangement would have the probable effect of perpetrating on the Colony a charge, which, under the present division of expenses between the Home and the Local Government, the latter ought not to be subject to, I should not feel justified in proposing it except by Your Lordship's directions.

I have communicated to Major General Sir Maurice O'Connell, who has the command of Her Majesty's Troops in New South Wales, the contents of this Despatch, and I am happy in being able to say that the Major General concurs with me in thinking it most advisable to discontinue the issue of Rum to the Troops, provided a reasonable compensation be made to them for the loss of it.

I have only further to add that, as the directions of the Lords of the Treasury, contained in the letter of their Secretary above alluded to of the 4th May, 1840, have failed to afford to the Local Government the protection, which their Lordships considered it justly entitled to, I have caused it to be signified to
the Deputy Commissary General that, until the result of my present reference to Your Lordship may be known, I shall not pay any drawback on Rum supposed to be issued to the Troops, nor allow any to be taken out of Store duty free for the purpose of being issued to them.

I have, &c.,

GEO. GIPPS.

8 March.

Sir,

Downing Street, 8 March, 1842.

You were informed by my despatch of the 27 of January last, No. 59, that I had referred, for the consideration of the Lords Commissioners of the Treasury, your Despatch of the 23d of July, 1841, forwarding Schedules of Appointments to Public Offices, and Payments of a special nature by the Deputy Commissary General of New South Wales, during the Quarter ended the 30th of June, 1841.

I now transmit to you the enclosed copies of a Correspondence, which has passed between this Department and the Board of Treasury, from which you will perceive that the charges comprised in the Schedule of appointments, etc., have been admitted.

In compliance with the wish of the Board of the Treasury, as expressed in their Secretary's letter of the 1st Instant, I have to direct that you will report what steps have been taken for regulating and controlling the issues of allowances to defray Traveling expences of the Judges and Law-Officers, or other Parties engaged in the Business of the Circuit Courts. I am, &c.,

STANLEY.

[Enclosure No. 1.]

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir,

Treasury Chambers, 20 January, 1842.

I have it in command from the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Lord Stanley, that my Lords have authorised the admission in the account of New South Wales of the charges comprised in the Schedule of Appointments at New South Wales, which was transmitted in your Letter of the 31st Ultimo.

I have at the same time to request you will move Lord Stanley to inform my Lords, whether any regulations have been adopted regarding the issue of travelling allowances to the Judges and Law Officers of the Local Government or other Public Functionaries engaged in the business of the Circuit Courts, by which the amount of those issues is controlled, and the propriety of the applications for them ascertained. I am, &c.,

C. E. TREVELYAN.
GIPPS TO STANLEY.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. C. E. TREVELYAN.

Sir,

Downing Street, 17 Feb., 1842.

Having laid before Lord Stanley your letter of the 20th ultimo, I am directed to acquaint you in reply, for the information of the Lords Commissioners of the Treasury, that his Lordship has received no report of any Regulations having been adopted regarding the issue of Travelling allowances to the Judges and Law Officers of New South Wales, or other Public Functionaries engaged in the business of the Circuit Courts, by which the amount of those issues is controlled and the propriety of the application for them ascertained.

I have, &c.,

J. STEPHEN.

[Enclosure No. 3.]

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir,

Treasy. Chambers, 1 March, 1842.

In reply to your letter of the 17th Ultimo, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will suggest to Lord Stanley that the Governor of New South Wales should be called upon to report what steps have been taken for regulating and controlling the issues of allowances to defray Travelling Expenses of the Judges and Law Officers or other Parties engaged in the business of the Circuit Courts.

I am, &c.,

C. E. TREVELYAN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 48, per ship William Jardine: acknowledged by Lord Stanley, 27th February, 1843.)

My Lord,

Government House, 9th March, 1842.

With my Despatch of the 16th Octt., 1841, No. 209, I transmitted to Lord J. Russell the various Acts or Ordinances, which were passed in the year 1841 by the Legislative Council of New South Wales up to the time of its adjournment in the latter end of the month of September; I have now the honor to transmit to Your Lordship the Acts, which were passed by the same Council during its supplementary session, which lasted from the 30th Novr., 1841, to the 4th of Jany, in the present year; and to request that they may be submitted for the Gracious allowance of Her Majesty.

5th Vict., No. 11.—"An Act to amend an Act intituled 'An Act for keeping and carriage of Gunpowder.'"

This Act is one of mere local regulation to guard against accidents in the storing or moving of Gunpowder within the Harbour of Sydney.
5th Vict., No. 12.—"An Act to amend an Act, intituled 'An Act for subjecting Vessels coming to New South Wales from certain places to the performance of Quarantine.'"

This Act was necessary in order to enable the Superintendent of the Port Phillip District to put ships legally into Quarantine.

One or two Emigrant Ships had been placed previously in Quarantine; but, had any parties on board broken the quarantine, no law existed under which they could have been punished.

The first Clause of the Act gives a power to the health Officer, either at Sydney or Port Phillip, to order ships into provisional quarantine, which it is evident he ought to possess.

5th Vict., No. 13.—"An Act for vesting in certain Trustees the estate in fee simple of a certain piece of land* in Macquarie Street, Sydney, upon the trusts set forth in the model deed of the Society denominated Wesleyan Methodists."

This Act was passed merely to render unnecessary certain conveyances, which could not without great difficulty have been made from one set of Trustees to another.

It is an Act solely for the convenience of the parties concerned, and was passed at their earnest solicitation.

5th Vict., No. 14.—"An Act for rendering a Notarial copy of an exemplification of the Charter of the Bank of Australasia evidence in all Courts of Law, Equity, Admiralty, Vice Admiralty, and in all Courts of inferior Jurisdiction in the Colony of New South Wales."

The propriety of this Act is sufficiently set forth in the preamble of it. The original Charter of the Company could not be in Sydney and in Melbourne at the same time; it is therefore provided that an authenticated copy of it shall be received in evidence at Port Phillip, whenever it may be necessary to produce it in a Court of Justice.

5th Vict., No. 15.—"An Act to amend an Act, intituled, 'An Act to provide for the conveyance and postage of letters.'"

There exists a weekly post by land between Sydney and Port Phillip; but, on the establishment of Steam Navigation between the two Ports in the year 1841, most of the correspondence came to be conveyed by Sea. It would have been inconvenient to give up the land post, whilst at the same time some additional remuneration was claimed by the Steamer, beyond what is paid to usual Coasting vessels, on account of the length of the voyage; and such an increase was also much desired by the People of Port Phillip, as a means of keeping the Steamer (which is a very powerful and expensive one) in their trade, the smaller Steam

* Note 95.
vessels, which ply along the Eastern Coast of Australia, not being fit to encounter the boisterous weather, which usually prevails in Bass Straits.

The object of the Act indeed was rather to secure a regular steam communication between Sydney and Melbourne than to increase the revenue of the Post Office.

Should however the arrangement be found a beneficial one, the weekly Post by land between the two places will be converted into one going only twice a month.

5th Vict., No. 16.—"An Act to amend the Laws regulating the Distillation of Spirits in the Colony of New South Wales, and the levying of Duties thereon."

Acts were successively passed in 1839 and 1840 to regulate Distillation in the Colony; and they were purposely shaped so as to avoid the question (which proved so embarrassing in Van Diemen's Land) of compensation to the Distillers.

These Acts were the 3rd Vict., No. 9, and the 4th Vict., No. 16, and they were severally reported on in my Despatches of the 10th Feby., 1840, No. 17, and the 1st Jany., 1841, No. 1.

The first of these Acts prohibited, from the 1st April, 1840, distillation from Sugar, or any other article but Grain (Clause 27), and fixes the duty on Spirits distilled from Grain at 5s. per gallon (C. 1, 26); the second Act raised that duty to 6s. 6d.

Nevertheless the illicit distillation of Spirits from Sugar continued, until in the month of June last, when discoveries were made in one of the two large Distilleries near Sydney, which led to the Prosecution of the owners, and the payment by them of a fine of £1,000 in the nature of a compromise, the whole penalties, to which the parties had become liable, being vastly greater and laid indeed in the indictment at the extravagant sum of £150,000.

Before I consented to this compromise, I announced to the parties my intention of proposing the present Act; it consequently passed unopposed by them or by any other party, there being but one other Distillery in the Colony. Against the owners of this second Distillery, we had not equal proof of the illicit use of Sugar, but no reasonable doubt existed of the fact.

The object of the present Act is simply to raise the duties on Spirits distilled in the Colony to the rate, which is payable on West India Rum, allowing distillation either from Sugar, Grain or anything else.

If this Act be not found sufficient to protect the Revenue, the only remaining course open to us will be to follow the example of Van Diemen's Land, and prohibit Distillation altogether. The

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Council was very unanimous and decided in its opinion that this, if necessary, may now be done without in any way opening the question of compensation.

**Insolvency Act.** 5th Vict., No. 17.—"An Act for giving relief to Insolvent persons, and providing for the due collection, administration and distribution of Insolvent Estates, within the Colony of New South Wales, and for the prevention of frauds affecting the same."

This is by far the most important Act of the Session. The subject of it was before the Council in each of the three last years, and was incidentally touched on in my Despatches of the 1st Jany., and 16th Octt., 1841, Nos. 1 and 209, in reporting on the acts 4th Vict., No. 24, and 5th Vict., No. 9.

This Act provides for the establishment of one general law for all cases of Insolvency, and therefore comprehends all that in England is contained in the two Codes relating to Bankruptcy and Insolvency.

It was originally prepared by Mr. Justice Burton, who, when a Judge at the Cape of Good Hope, had been instrumental in procuring a similar law to be passed there; and great assistance in all the details of the act was afforded by Mr. Justice Stephen, who, when Attorney General of Van Diemen's Land, was principally engaged in passing a similar Law through the Legislative Council of that Colony, which now stands on their Statute Book as the 3rd Vict., No. 1.

The Bill in its complete shape was also submitted to a Committee of Merchants in Sydney, by whom it was fully approved, such amendments as they suggested in it being adopted.

I enclose the various Reports made respecting this Bill by Committees of the Council; and, with my Despatch of this day's date, No. 49, I further transmit at the request of Mr. Justice Burton, a small volume* which, since the passing of the act, he has published in the Colony.

I have only further to add that I thought it proper to resist the demands, which were made upon me to create New offices under this Act, to be a burthen on the public revenue; and that it is consequently provided, by the 1st Clause of the Act, that the Commissioners and others to be employed in carrying it into execution are to be appointed by the Chief Justice, and to take such fees as may be allowed them by orders issued from time to time by the Judges.

**Harbours Act.** 5th Vict., No. 18.—"An Act further to amend an Act, intituled 'an Act for the better preservation of the Ports, Harbours,

*Note 96.
Havens, Roadsteads, Channels, Navigable Creeks, and Rivers, in New South Wales, and the better regulation of shipping in the same."

This is an Act for the regulation of the different Harbours of the Colony, and particularly of the Harbour of Sydney, rendered necessary by the increasing trade of the Colony.

5th Vict., No. 19.—"An Act to repeal so much of An Act intitled 'An Act for preventing the mischiefs arising from the printing and publishing Newspapers, and papers of a like nature, by persons not known, and for regulating the printing and publication of such papers in other respects; and also for restraining the abuses arising from the publication of blasphemous and seditious Libels,' as relates to the sentence of banishment on a second conviction, and further to amend the same."

This Act was passed to relieve the Newspaper press of the Colony from what were felt to be the hardships of some enactments passed in the time when General Darling was Governor of New South Wales, and modelled on the 60th Geo. 3d, C. 8 and 9, which were two of Lord Castlereagh's celebrated Six Acts of 1819.

The first enactment, which it repeals, is that which in General Darling's Act subjected an offender to banishment, who might be convicted a second time of the publication of any blasphemous or seditious Libel. The corresponding enactment in the 60th Geo. 3d, C. 8, was repealed in England by the 11th Geo. 4, and 1st Wm. IV, C. 73.

The second point, in which the Proprietors or Publishers of Newspapers are relieved by this Act, is that they are exempted from prosecution at the suit of common Informers for any breach of the law, by which they are forbidden to publish their Papers, before they have complied with certain formalities, and have given security for the payment of any damages which may be awarded against them for the publication of seditious and blasphemous libels.

The Act in this respect puts them on a footing with the Proprietors and Publishers of Newspapers in England, since, under the 22nd Sect. of the 60th Geo. 3d, C. 9, such parties can only be prosecuted in England for the like offences at the suit of the Attorney General.

The only other provision of the Act is the last, which renders it unnecessary that in future the names of the Editors, as well as the Proprietors, Printers and Publishers, should be entered at the Office of the Colonial Secretary; and this also is in conformity with the English Law, no mention being made in any English Act of the Editor as a distinct person from the Publisher.

* Note 97.
The Publisher is, I believe, by the Law of England considered to be the Editor, and not the person who may write the leading article or have the general management of the Paper.

I enclose a copy of a Petition, which was presented to the Council by the Attorney General from the Proprietors and Editors of Newspapers in Sydney, and which led to the passing of this Act.

As considerable correspondence took place on the subject of the Newspaper Press of the Colony during the administration of Genl. Darling, I beg to refer if necessary to the following Despatches:


5th Vict., No. 20.—“An Act to facilitate proceedings by and against the Proprietors of a certain Joint Stock Company, lately carrying on business at Melbourne in the District of Port Philip, in the Colony of New South Wales, under the name, style, or firm of the ‘Melbourne Auction Company,’ and for other purposes therein mentioned.”

This Act is precisely similar to the Act, No. 10, reported on in my Despatch, No. 209 of the 16th Octt. last, the one relating to an Auction Company in Sydney, the other to a precisely similar Company at Melbourne. I beg therefore to refer to that Despatch, in explanation of the present Act.

5th Vict., No. 21.—“An Act to amend the Act for the Registration of Deeds, and to provide for the establishment of a separate Registry for Sydney and Port Phillip respectively.”

An Act having been passed last Session (4th Vict., No. 22), under which a Supreme Court has been established at Port Phillip, a Registry was established there as a part of the Court; and the present Act has been passed, in order to legalize the registration of certain Deeds in this Registry at Port Phillip, which were formerly by Law registered in Sydney.

The only other provision of the Act is that which repeals the former schedule of fees, payable on the registration of Deeds and other Instruments, and fixes a higher rate in Sydney, as well as in Port Phillip, in order that in future the fees may fully cover the expenses of registration, which they have hitherto not done. These fees however will continue, as heretofore, to be payable into the public Treasury, and not to the Registrar or his Clerks, who have fixed salaries as officers of the Government.
The Bill, as presented by me to the Council, had in it a Clause authorizing the separation of the Registrar's Office entirely from the Supreme Court, and making it a general Registry for the Colony; but this Clause was withdrawn for the reasons which have been explained in my Despatch No. 7 of the 16th Jany. last.

I enclose a Copy of the Report, which was made by a Committee of the Council on this Bill.

I have, &c.,
GEO. GIPPS.

[Enclosures.

[These papers were printed in the "Votes and Proceedings" of the legislative council.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 49, per ship William Jardine.)
My Lord,
Government House, 9th March, 1842.
With reference to that part of my Despatch of this day's Transmission of Volume from date, No. 48 which relates to the new Insolvent Law (5th Vict., c. 17), I have the honor, at the request of Mr. Justice Burton, to forward to Your Lordship a small Volume,* recently published by that learned Judge, in explanation of the Statute which he had so large a share in preparing.

I enclose also a letter, which has been addressed on the subject to Your Lordship by Mr. Justice Burton.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 2.

MR. JUSTICE BURTON TO LORD STANLEY.
Sydney, New South Wales, 12th February, 1842.
I have the honor of transmitting to your Lordship, by the kind permission of His Excellency Sir George Gipps, two Copies of the Insolvent Law of New South Wales; it is a work, which I seriously and sincerely regret to say, has been much called for in consequence of the distress of the People, and in no little degree by those evasions, artifices, and frauds, which dishonest persons, unrestrained by any such Law, have too frequently practised.

I respectfully request your Lordship's acceptance of my humble work, not as worthy of the honor of your notice, but as a mark of the respect which I entertain towards your Lordship, under whom I have the honor to serve Her Majesty in this Colony, and of my desire to do so with advantage to the People.

I have, &c.,
W. W. BURTON,
one of the Judges of the Supreme Court of N. S. Wales.

* Note 96.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 75, per ship Duke of Manchester; acknowledged by Sir George Gipps, 1st January, 1843.)
Sir, Downing Street, 10 March, 1842.
The Lords Commissioners of the Treasury have called my attention to the question how far the arrangements recently adopted by Her Majesty's Government with regard to Convict Discipline may render it unnecessary to continue the maintenance of the whole of the Officers heretofore connected with the supervision of Convicts in New South Wales; and, referring to Lord Normanby's Dispatch marked "Separate" of the 11 of May, 1839, and to the subsequent discontinuance of Transportation to New South Wales, I beg to call your attention to the necessity of reducing as much as possible the Convict Establishments within your Government; and I should wish to receive an early report how far you may have found it practicable to effect such reductions.
I am, &c.,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 76, per ship Duke of Manchester.)
Sir, Downing Street, 11 March, 1842.
I have to acknowledge the receipt of your dispatch of the 28 of June last, forwarding a Requisition for Arms, etc., for the use of the Foot or Ordinary Police of New South Wales; and I transmit to you, herewith, for your information and guidance, Copies of a Correspondence, which has passed on this subject between this Department, the Colonial Agent and the Board of Treasury.
I am, &c.,
STANLEY.

[Enclosure No. 1.]

UNDER SECRETARY STEPHEN TO MR. E. BARNARD.
Sir, Downing Street, 15 Dec., 1841.
I am directed by Lord Stanley to transmit to you the enclosed Copy of a Despatch* from the Governor of New South Wales, forwarding a Requisition for Arms and other Articles for the use of the Foot or Ordinary Police of the Colony; and I am to request that you would ascertain from the Board of Ordnance what would be the expence of complying with the Requisition, and state how far it would exceed the expence of former requisitions for the Police Force as compared with the number of men then and now employed in that Service, and also with reference to the difference in the description of the Arms.
I have, &c.,
JAS. STEPHEN.

* Marginal note.—129, 28 June, 1841.
MR. E. BARNARD TO UNDER SECRETARY STEPHEN.

No. 2 Parliament Street, 26th January, 1842.

I have the honor to acknowledge the receipt of your Letter of the 10th Ultimo, with its enclosures, and acquaint you, in reply, for the information of Lord Stanley, that, having submitted the same for the consideration of the Board of Ordnance, I have received a Letter from Mr. Byham, a Copy of which is enclosed, from which it appears that the estimated Cost of the Arms and other Articles required for the use of the Foot or Ordinary Police of New South Wales is one thousand seven hundred and thirty pounds. Mr. Byham also transmits to me the Copy of a Memorandum from the Chief Clerk to the Principal Storekeeper, containing certain suggestions with respect to the proposed supply; and, in requesting the further Instructions of Lord Stanley upon the subject, I am to request, if it is decided that the Articles are to be provided, that you will inform me whether his Lordship would approve of my adopting the suggestions of the Ordnance Department.

EDWD. BARNARD.

[Sub-enclosure No. 1.]

MR. R. BYHAM TO MR. E. BARNARD.

Sir, Office of Ordnance, 14th January, 1842.

Having submitted to the Board of Ordnance your Letter, dated 5th instant, forwarding a Requisition, etc., for Arms and other articles required for the use of the Foot or ordinary Police of the Colony of New South Wales, and requesting to be furnished with an estimate of the expense of complying with this Requisition; I have received their commands to acquaint you that the estimated value of the Arms, etc., required for the abovementioned Force, is £1,730.

With reference to the 2nd paragraph of your Letter respecting the difference in former Requisitions in the description of the Arms, etc., I am directed by the Board to transmit for your information the enclosed copy of a Memorandum of Mr. Porrett, Chief Clerk to the Principal Storekeeper, on this subject, dated 11th Inst.

I am, &c.,
R. BYHAM.

[Sub-enclosure No. 2.]

MEMORANDUM.

No Arms have yet been supplied by the Ordnance Department for the use of the Foot Police at New South Wales, at least none have been demanded expressly for that Service.

The Mounted and Border Police in that Colony have been frequently supplied with Arms, viz., Flint Lock Carbines, Pistols, and Swords, such as were then used by the regular Cavalry in this Country. 100 Carbines and 200 pistols were ordered for this Force on the 12th July, 1841, B/909, and it is deserving of consideration by Mr. Barnard whether, with reference to the information contained in the enclosed report, dated Sydney, 8th June, 1841, those Arms should not be of the Percussion kind, as giving much greater efficiency to the Corps at but little additional expense. Upon this
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point, a speedy decision is desirable. With respect to the Arms now required for the Foot Police, there will be no difficulty in complying with the Demand. The Carbines asked for are precisely similar to those used by the Constabulary in Ireland, while the Pistols supplied to the Coast Guard will answer for this purpose extremely well. I would suggest therefore that these Arms should be supplied for the Service of the Police in New South Wales.

Principal Storekeeper's Office, From 11th Jany., 1842.

[Enclosure No. 3.]

UNDER SECRETARY STEPHEN to MR. C. E. TREVELYAN.

Sir, Downing Street, 7 Feb., 1842. I am directed by Lord Stanley to transmit to you, for the consideration of the Lords Commissioners of the Treasury, the enclosed copy of a Despatch from the Governor of New South Wales forwarding a requisition for Arms and other articles for the use of the Foot and Ordinary Police of the Colony, together with Copies of a Correspondence between this Department and the Colonial Agent on the subject of that Requisition.

I am to request that you would acquaint the Lords Commissioners that Lord Stanley proposes with their concurrence to authorize the Agent, in providing the articles required, to adopt the suggestions contained in the Letter of the Chief Clerk of the Principal Storekeeper of the Ordnance, which forms one of the Enclosures to Mr. Barnard's letter of the 26th Inst.

I have, &c.,

JAS. STEPHEN.

[Enclosure No. 4.]

MR. C. E. TREVELYAN to UNDER SECRETARY STEPHEN.

Sir, Treasury Chambers, 7 March, 1842. With reference to your Letter of the 7th Ulto. transmitting a Requisition from the Governor of New South Wales for Arms and other Articles for the use of the Foot and Ordinary Police of the Colony, I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Lord Stanley, that my Lords see no objection to the Agent General for Van Diemen's Land being instructed to procure the arms, etc, from the Ordnance Department in compliance with the requisition from the Colony; or to the adoption of the suggestion in the Memorandum of the Chief Clerk of the Store Department of the Ordnance in regard to the further requisition for arms for the Mounted Police.

I am, &c.,

C. E. TREVELYAN.

[Enclosure No. 5.]

UNDER SECRETARY STEPHEN to MR. E. BARNARD.

Sir, Downing Street, 11 March, 1842. I am directed by Lord Stanley to acquaint you that your Letter of the 26th January last was referred for the consideration of The Lords Commissioners of the Treasury, and, with Their Lordships' concurrence, Lord Stanley has to convey to you his authority to procure the Arms and other Articles required for the use of the Foot or Ordinary Police of New South Wales from the Board of
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Ordnance, and to adopt the suggestion contained in the Memorandum of the Chief Clerk of the Store Department of the Ordnance, which accompanied your letter in regard to the further Requisition for Arms for the Mounted Police of the Colony.

I have, &c.,
JAS. STEPHEN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 50, per ship William Jardine; acknowledged by Lord Stanley, 20th December, 1842.)

My Lord,
Government House, 11th March, 1842.

Agreeably to the instructions contained in Lord J. Russell's Despatch, No. 132 of the 25th Augt., 1840, I have the honor to forward herewith the undermentioned Reports from officers of this Government, employed in the civilization or protection of the Aborigines, and from the Heads of Missions established in the Colony for the same purpose, and receiving aid from the Government:

Report of the Mission to the Aborigines at Wellington Valley, in connexion with the Church of England;
Report of the German Mission to the Aborigines at Moreton Bay, in connexion with the Presbyterian Church.
Reports from the Crown Commissioners employed in the older parts of the Colony, in the undermentioned Districts:
Wellington District; Maneroo District; Murrumbidgee District;

There are five other Districts, from which, I regret to say, no Reports are yet received.

The following reports from Port Phillip are also forwarded with a letter from Mr. La Trobe dated the 5th Jany., 1842.
Chief Protector's Report; Wesleyan Mission; Crown Commissioners Reports from the District of Portland; County of Grant; County of Bourke; District of Western Port.

I have, &c.,
GEO. GIPPS.

[Enclosure marked A.]

ANNUAL Report of the Mission to the Aborigines at Wellington Valley, New Holland, for the Year 1841.

(Addressed to Colonial Secretary Thomson.)

Sir,
If the work of civilizing and Christianizing a Savage race was dependent merely on human efforts, and if we were permitted to view it in a calculative or speculative spirit like common human pursuits, so as to expect, from a certain portion of time and labor
devoted to it, certain results; then, I candidly confess, I should be ready to despair of the Aboriginal inhabitants of this Country ever being raised from their degraded condition, since so little success has hitherto attended this Mission, as well as various similar attempts in different parts of the Country.

The hope warranted by the volume of inspiration, that the Church of Christ will be extended to all Nations, tribes, kindreds and languages, is the only ground that sustains me, and I call at the same time to mind the long exercise of patience which many Missionaries, in other parts of the world, under more favorable circumstances have had to undergo, with the ultimate success which attended their perseverance.

The favorable and kind considerations evinced towards the Aborigines of this Country, both by the Home Government and the Government of this Colony, are likewise encouraging for Missionary efforts. I am particularly anxious to see the effects of rewards so kindly offered by His Excellency the Governor, to be given to deserving Aborigines.

Amongst all those young men who for years past have been more or less attached to the Mission, there is only one who affords some satisfaction and encouragement. Deep religious impressions have been made on his mind, and we have reason to believe he is undergoing a change of character. For more than two years, he has distinguished himself above the rest by a desire for improvement, inquiry and reflection. He has gradually shaken off the yoke and dominion of the elderly men and superstitious notions from his mind. But I am sorry to observe that the young man is not likely to live much longer, so as to become useful among his Countrymen, he having for a considerable time shown strong symptoms of a consumptive disease, and is, of late, quite unable to make any bodily exertions.

As regards the others, I can give no very favorable account of their conduct during the past year. Several of those, who used to stay at or frequent the Mission, resorted to their old migratory habits, and one of them, I fear in consequence of depriving himself of the advantages and comforts of civilized life, to which he for years has been accustomed, has lately died in a state of decline. Instances of the kind, I lament to say, frequently occur. Even those few who may be considered as still attached to the Mission, only about four, besides the one I have described, have too frequently during the year made excursions into the bush, and, when at home, they evinced not much desire for instruction and improvement. They have, however, often been very usefully employed in the general work of our Establishment, particularly at building and fencing. I very much regret that, on account of the smallness of their number and their frequent absence (during which time the work usually accumulates), they could by no means be regularly or daily instructed when here. I could rarely get more than one or two at the same time to be instructed, which is very disheartening. Then thoughtlessness, a spirit of independence, ingratitude, and want of Sincere straightforward dealing often try us in the extreme. One boy, who continues with us, receives more regular instruction, but advances slowly; he is very quick and handy for little errands. Five young women, who never have left during the year, are occasionally instructed and attend regularly
Prayer. They have conducted themselves tolerably well, as domestic Servants, one in particular, the other, who was less steady when Single, has improved since she has had a husband. But what I observed before applies to all, the best of them cause us much trouble to bring them into orderly and industrious habits, and at times grow quite insolent. Civilized habits, however much some may occasionally fancy them or conform to them, will never, I feel convinced, become natural and easy to the present generation. Unless a new principle be implanted in their mind, and a thorough change effected by the influence of Christianity. Previous to that, I fear, no inducement or prospect held out to them, no advantages and comforts of civilization, will have a sufficient and lasting hold upon them, to restrain them from their wandering disposition. There might be rare exceptions, if it were not for the seducing influence of others, especially the old men. So long as they are not made Christians, I can think of one remedy only, to be resorted to if practicable, to make them more useful members of Society. I mean if a stronger control could be exercised over them; if for instance the dominion of the old men, with their absurd laws, could be counteracted, polygamy the root of so much evil prohibited, and those frequently occurring feuds, which constantly drive them in the bush, prevented, then better things might be expected; then and perhaps never before then, the Missionary would be enabled to impart regular and sufficient instruction to them, to produce more favorable results. It is indeed strange that, whilst the Aborigines are pronounced amenable to the English Laws, and considered British Subjects, they are not dealt with as in such a condition, being allowed practices repugnant to our Laws, injurious to their, as well as European interests. Nor can they obtain full protection from the laws of this Country, especially since their evidence is unavailable (a striking instance of the latter kind occurred here lately, where a Black could find no redress for an injury done to him, because he could not obtain European evidence). Captain Grey, in his suggestions and observations, has viewed this subject in its proper bearing. During the past year I have had particular opportunities to become acquainted with the nature of the absurd laws, the vile and superstitious practices of the Aborigines, and the unbounded sway which the old men exercise over their people, to counteract every improvement. Those two young women alluded to were married, one in May, the other in June last, partly through my influence, to what we considered suitable partners, that is to say some of the young men, more advanced in civilization. But, according to some strange laws and practices of theirs, the particulars of which are too lengthy to be detailed here, these marriages were considered illegal, and the elderly men, perceiving that their strong hold was about to be shaken at its very foundation, were utterly enraged, and endeavoured to excite every Aboriginal against the Mission, which for a time prevented even some of our young men to come near us; they even threatened the parties in question with death. Had I exercised no influence in the matter, these young women, who have for years been instructed at the Mission, would in all probability have become the prey of very unsuitable men (for not one of our young men could in their opinion have legally married them) most likely elderly men, possessed perhaps, already, of more than one wife. Indeed the evils resulting from polygamy, which is permitted by the said laws, are great and
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manifold. On the one hand, it causes constant strifes and fightings; on the other hand, the elderly or influential men possessed of a plurality of wives, being in reality only the keepers of them, have it in their power to hold out certain allurements to the young, who cannot obtain wives; and, by obliging the latter as it is considered, the former can command or extort implicit obedience. This accounts in a great measure for the well known fact that Aboriginal Males, however useful and steady they may have been among Europeans when Boys, as soon as they grow up to manhood, they fall back into their wandering unsettled habits.

I lament much that the difficulty to obtain Aboriginal Children for instruction has increased almost to an impossibility. In whatever direction I may go, even at a distance of 40 or 60 miles, the parents conceal their children, as soon as they hear that a Missionary approaches their Camp; and, when I come upon them by surprise, I have the grievance to observe these little ones running into the bushes, or into the bed of the River with the utmost speed. This, as well as the dispersion of some young men who formerly were here, is evidently owing to those unhappy disturbances and strange proceedings, which as is generally known to take place on the Mission. Such things could not gain us the confidence of the Aborigines, but must necessarily leave an unfavorable impression. Latterly however some of those, who were for a time unsettled, show a disposition to make the Mission again their home. Thus a young couple with an Infant, who when single were living here, have now come again.

We have not had many elderly Aborigines visiting us during the past year; the principle cause of this is our deficiency of water. Having to fetch our water at a distance of fully two miles, we cannot afford a large supply for those who are continually with us. The inconvenience, arising from this circumstance, is considerable, especially when the distressing and discouraging results of our continued dry seasons are considered. Could we succeed with the cultivation of wheat and gardens, it would prove, I am certain, a great stimulus for exertion and improvement for several young men. But, when almost every year the prospects of their labour are frustrated, they become naturally quite disheartened. Our wheat has again entirely failed, and our gardens are a scene of desolation and barrenness.

In reference to the cultivation of the Aboriginal language, I would mention that I have collected the principal parts of the Blacks vocabulary, and alphabetically arranged it, as also composed a Grammar comprising the principal rules: But, from want of sufficient exercise, I am not able yet to speak the language fluently. I apprehend it will never be of very great use for religious instruction, for in its present state it is extremely deficient; and, until the minds of the Aborigines are more cultivated, the cultivation of their language will not proceed fast; during this delay their numbers will much decrease, and the remnant become more conversant with the English.

A considerable portion of my time, during the last year, has been taken up in travelling not so much in behalf of the Blacks, but more to administer religious ordinances to the White population, mostly at a considerable distance, for instance, at Mudgee where I visited at stated periods for the last eight months. In my journeys I
generally fall in with a few Blacks, and if possible some conversation with them. But their stupor and carelessness are truly discouraging, and the sad European Society in which I often find increases the difficulty. Drunkenness, I am sorry to observe, spreads more and more among them, in every direction. We have seen the last year more of it on the Mission than ever before. It is truly distressing to behold the wretched condition into which these poor Savages have been placed, since civilized people have been settled among them. To see them on the one hand exterminated by violence, which I fear more frequently occurs in the Interior than is publicly known, and on the other hand gradually swept away by debauchery and other evils arising from their intermixture with Europeans; to observe their morals, if possible more corrupted by those who ought to teach them better; to see rarely a good example set them, even by those from whom we might justly expect it (for it is a rare thing in this part of the Colony to find a person attend even the externals of religion, the profanation of the Sabbath day is so general, that few, very few, make an exception); and yet to hear these corruptors of Savages declaim against them and missionary efforts, and to enrage against the whole race without any feeling of compassion, when some commit an outrage. These are considerations which must prove deeply affecting and lamentable to every man of just and humane feelings, and to the Christian, who is desirous to improve the spiritual and temporal condition of his fellowmen. His prayer indeed must be that God in mercy may open the eyes of those that sit in heathen darkness, and awaken those that have but the name to live and are dead.

I have, &c.

JAMES GUNTHEE, Missionary.

Mission House, Wellington Valley, 7 January, 1842.

[Enclosure marked B.]

REVD. J. S. C. HANDT TO COLONIAL SECRETARY THOMSON.

Sir,

Moreton Bay, 27 Novr., 1841.

I do myself the honor to forward to you, for the information of His Excellency the Governor, the Report required in your letter of the Second of July last respecting the Aborigines, and to state to you that, in furnishing it, all possible attention has been paid to the 6th Paragraph of the Despatch of Lord John Russell of the 25th of August, 1840, as required.

I have, &c.

J. C. S. HANDT.

[Sub-enclosure.]

REPORT of Transactions relative to the Condition of the Aborigines in the District of Moreton Bay, for the Year 1841.

The Aboriginal Natives of these parts are less tractable than those who have been longer among civilized people; many of them however, especially such as come in contact with Europeans, are useful in doing any rough work on the premises and in the garden, if they are constantly looked after. The middle aged and old men will in general do some work; and, at the place of the German Mission, the women are found useful likewise; but it is seldom that the young men are willing to do anything in the way of work. The payment, they usually receive from their employers, is plenty to eat while they are at work, and a good quantity of provision in
1842.
11 March.
Report re Aborigines in district of Moreton bay.

the evening to take into the Bush for their families. Should they receive an Article of clothing, it is seldom seen any more after they go to their sleeping place in the bush; for they tear it to pieces for headbands and divide it among their acquaintance. I have had frequent experience of this; therefore, though they are very eager for clothing, there is no encouragement in giving them any. White Strips of Calico to tie round their heads, or a Blanket to Sleep under, are the most Suitable presents with regard to clothing in their present State.

Their food, when in the bush, is almost every kind of animal, which they can get into their possession, the fruit of Some trees and Shrubs, the roots of Several plants, and occasionally Some honey. Of these provisions, they may at one season have a great abundance, and at another Scarcey find sufficient to satisfy them. They cannot possibly reside on any particular Spot for a long period together, as roots and game would Soon become Scarce; they generally keep however within their territories, which they have distinctly marked out between themselves; but their camp is moved about every five or six days. Some have been induced by the German Missionaries to commence cultivating a Spot of ground, and to build Several huts under their Superintendence at their Section. They met with the discouragement of being deserted by them, at the time the work was best succeeding, on account of a death which took place among the Aborigines; but they are again collecting around them. Some of the Aborigines have stayed on their Mission Establishment from five to Six months, others a few weeks, and the generality a few days.

I stated in the beginning that the Aborigines here are less tractable than those in other parts of the Colony, because they have not lived long in Connexion with Europeans; but for the Same reason they are more populous, for the intercourse of the Aborigines with white people invariably tends to the shortening of their lives, and the less frequent occurrence of births among them. The number of Aborigines, inhabiting the country about fifty miles around Brisbane Town, may be estimated at from one thousand to one thousand five hundred. They are of a middle Size, and generally well formed.

It must be Stated, however, that they have been on the decrease in the year past. Several fights have taken place among them; but this is not the chief cause of this circumstance, as their fights bear rather the character of warlike games, in which Seldom more than one, and frequently none at all is killed, but merely some wounded. One of the principal causes of their decrease is the diseases to which they are Subject, and particularly that which Providence has ordained to be the Scourge of excess and debauchery, and from which even the Children are not exempted. Some of them have died of consumption and dropsy. Another principal cause of their decrease is the prostitution of their Wives to Europeans. This base intercourse not only retards the procreation of their own race, but it almost always tends to the destruction of the offspring brought into existence by its means; for they generally kill the half-cast Children, as Soon as they are born. The number of children is consequently small, when compared with that of the Adults. The proportion of Males to Females is likewise unequal, the former being about one third more than the latter. This circumstance frequently induces the men to Steal their wives, and this has
GIPPS TO STANLEY. 739

given occasion to many a bloody strife. I am Sorry to State that, about Sixty or Seventy miles from here, where the Europeans have established Cattle and Sheep Stations, some hostilities have taken place between the Aborigines and the Settlers, in which some on both sides lost their lives.

In reference to the efforts which have been made to impart to the Aborigines religious knowledge, it may be said that they know there is a God, who made all things, and who is good, and dislikes all that is bad. Endeavours have been made also to make them understand that there is a future State of rewards and punishments, etc. The German Missionaries have been itinerating among them about six times in the past year for the purpose of doing good both to young and old. When at home, they instruct the children, of whom they have generally at least a few, twice a day, under an open Shed, in the Alphabet, Numbers, Spelling, Singing, the Lords Prayer, etc., in English, which the Aborigines partly understood. The progress they have made has been but small hitherto, as the Children, like the Adults, do not Stay for any length of time together, and forget in the bush part of what they have learned.

J. C. S. HANDT.

[Enclosure marked C]


To the Honorable The Colonial Secretary, E. Deas Thomson, Esqre., etc., etc., etc.

Ebenezer, Lake Macquarie, New South Wales, 30th December, 1841.

I have the honor to acknowledge the receipt of your communication of date May 17th last, in which His Excellency the Governor's pleasure respecting the Mission is thus expressed:

"Colonial Secretary's Office,

"Sydney, 17th May, 1841.

I am directed by Sir George Gipps to inform you that, having had under consideration the annual reports made by you during the last few years, and especially the report for the year 1840, it appears to His Excellency that no further advantage is likely to accrue to the Aborigines from your continued residence at Lake Macquarie, and that the Governor cannot accede to the proposal made by you that you should remove to Newcastle, and still continue to receive a Salary from Government. His Excellency is reluctantly forced to acquaint you that the engagement, entered into by you by the Governor in the year 1831, will be considered at an end with the expiration of the present year.

I have, &c.,

"E. Deas Thomson."

"The Reverend L. E. Threlkeld, Lake Macquarie."

In submitting to this decision, it is impossible not to feel considerable disappointment to the expectations formerly hoped to be realized in the conversion of some, at least, of the Aborigines in this part of the Colony, and not to express concern that so many years of constant attention appear to have been fruitlessly expended. It is, however, perfectly apparent that the termination of the mission has arisen solely from the Aborigines becoming extinct in these districts, and the very few that remain elsewhere are so scattered, that it is impossible to congregate them for instruction, and, when
HISTORICAL RECORDS OF AUSTRALIA.

1842.
11 March.

Final report of mission to aborigines at Lake Macquarie.

seen in the Towns, they are generally unfit to engage in profitable conversation. The thousands of Aborigines, if ever they did exist in these parts, decreased to hundreds, the hundreds have lessened to Tens, and the tens will dwindle to units before a very few years will have passed away.

There is one circumstance which would occasion the deepest regret, namely, should the unfavorable termination of this Mission tend in any degree to slacken the other Missionary exertions in favor of the Aborigines, or induce Government or private individuals to withhold that pecuniary assistance without which no Mission can be carried on effectually. The expense of this establishment to Government has been £150 per year for my Salary, together with £36 as an allowance for Rations for four convict servants: but every other expense, including support and clothing of Natives to keep them around me, both for instruction and the acquisition of a knowledge of their language, to put into a written form the natural Grammar* of their tongue, was borne at my own charges. This year there have been no Natives to supply with food, their complete independence on Europeans for their natural wants occasioning their wandering habits, and totally prevents intercourse with them.

During my seventeen years of sojourn amongst these tribes, cruelties have not been so numerous or extensive as to account sufficiently for the decrease of the Blacks, or to alter the opinion that the diminution of people, or the prosperity of Nation, is from the wrath of God which is revealed from Heaven against all ungodliness and unrighteousness of Men. The mortality amongst the inhabitants of the South Sea Islands places them in a similar melancholy position with the Aborigines of this land; and, ere a few years elapse, they likewise will become extinct or amalgamated with emigrants from European Shores.

The termination of this Mission places me in another of those peculiar situations, which have so often been my lot in past years. In 1814, The London Missionary Society accepted my services as a Missionary to the heathen, and my passage was taken for Africa. The destination was changed, and, in 1815, William Ellis and myself were ordained as Missionaries, and embarked for Tahiti. The sickness and death of my first born detained me a twelvemonth at Rio de Janeiro, which occasioned the introduction of stated public worship amongst the Protestants, and it has been continued ever since in that City. In the following year, four Missionary Colleagues touched at Rio on their way to the Islands, with whom we embarked, touching at V. D. Land and this Colony. After a short stay here, and being joined by other companions who were waiting for conveyance, we sailed for the South Sea Islands, and landed on Elmer, November, 1817. In 1818, the late lamented John Williams joined me to form a first Missionary Station at Raiatea, where for nearly seven years it pleased God most abundantly to bless us and the united labors of the Brethren in the overthrow of Idolatry in other Islands, and in directing the Raiateans to walk as became their profession of faith in the Gospel of Christ. But, in the midst of unprecedented Success in these modern times, it pleased God to remove the wife of my bosom, and I was left with four Children in a foreign land. At this time, the Deputation from the London Missionary Society consisting of Daniel Tyerman, a

*Note 98.
Minister, and George Bennet, a private Gentleman, were proceeding to New South Wales, and I accompanied them to Sydney on my way to England, intending to return to my family left in the Islands. Having married in the Colony, I was about to return to Raiatea when Sir Thomas Brisbane the then Governor intimated through the Attorney General, Saxe Banister, Esquire, to the Deputation a wish that something might be attempted in behalf of the Aborigines, and ultimately I was requested to undertake the Mission, and the Society would send a substitute to my Station at Raiatea. I was promised, on the part of His Excellency, a House, Rations for myself, family and servants, if I would go to Moreton Bay and form a Missionary establishment, thus leaving a very small expense to be borne by the Society. To this proposal, I cheerfully consented. Shortly afterwards, it was intimated that the Government had declined to fulfill that which was held out as an inducement to establish the Mission, and it remained for the Deputation to determine whether, now that the whole of the Expense would fall on the Society, it should be attempted or not; they decided in the affirmative, and ultimately Lake Macquarie was fixed upon as a Site for the Mission, Government reserving ten thousand Acres of Land in trust for the Aborigines. The Mission was thus commenced in 1824, and the Natives who assembled were taught, clothed, fed and employed; but the annual expenditure, accumulating to a larger amount than the L.M. Society thought suitable with other claims to appropriate towards this Mission to the Aborigines, led to unpleasant correspondence, and our distance prevented personal explanation, which terminated my connection with the London Missionary Society. Having made some progress in the acquirement of the Language, it did not appear to be my duty to relinquish the work, there being at that time several Aborigines living about our habitation: and therefore, trusting in the providence of God, I continued the Mission on a Grant of Land, which I had received from His Excellency General Darling on acquainting him with my intention of remaining in the Colony rather than avail myself of a passage home, which was tendered by the Society, the which Grant was confirmed to me according to the usual existing Regulations. At this period, a few generous friends to the Aborigines kindly afforded pecuniary assistance to aid me in the enterprise. Shortly afterwards Sir Ralph Darling applied, unsolicited, to the Right Honorable the Secretary of State for the Colonies on my behalf, who, in 1831, was pleased to sanction His Excellency’s arrangement of Salary and allowance, but the Missionary Station House and improvements reverted to the Crown, according to a clause in the Deed of Trust* consented to by the Deputation. I then removed to the very opposite side of the Lake to prevent a supposition that I was personally benefited in any way from that which was derived from the funds of the London Missionary Society. The object, the acquiring of the Native Language, was steadily pursued, and various parts of Scripture translated; besides arranging a Grammar, copies of which were printed at the joint expense of the Colonial Government and Society for the Promotion of Christian knowledge. His late Majesty King William the IVth was graciously pleased to accept from the Society a Copy of the work for the Royal Library, but the circulation otherwise has been strictly private, there being no encouragement to publish in this Colony. It is a melancholy fact that, although much has been done in the way

* Note 99.
of translation, there are now scarcely any Aborigines left to learn
to read, and the few who remain appear determined to go on in
the broad road to destruction.

It has ever been my practice, regardless of results, faithfully to
record the aspect of the Mission in the annual Reports, leaving
the event with God. Circumstances, which no human authority
could control, have brought the Mission to the present crisis; and,
whilst it was my duty steadfastly to wait for the manifestation of
God's Providence in this discouraging Mission, I could not con-
scientiously relinquish the engagement whilst the smallest hope of
benefiting the Aborigines could be fairly entertained. This Mis-
sion to the Aborigines has ceased to exist, not for want of support
from the British Government, nor from the inclination of the Agent,
but purely from the Aborigines themselves becoming extinct in these
parts; and, in leaving this Scene of much solitariness, privation
and trial, it is earnestly hoped that He, who fixed the bounds of
our habitation apparently in Sydney for a season, will guide our
feet through life to His Glory, and provide support for a numerous
family, so that the "Ministry be not blamed."

Believing that the Divine purpose of God in establishing Govern-
ments is that the Government of every nation should have a
parental regard to the welfare and interests of its subjects, is the
Apology for minutely stating past events and my future prospects
respecting employment and provision. As a minister, with liberty
of conscience, I trust " to be ready to every good work "; but, with
respect to provision for myself and family, the Ravens are fed from
the wilderness; The Brook has dried up with the Stream; No
Widow is Commanded to sustain in the City; yet, beneath our very
feet lies a Coal mine, which, with the blessing of God, will sustain
us in our duties through life.

Tendering my sincere acknowledgements for every prompt atten-
tion from Her Majesty's Government in this Colony to the interests
of the Aborigines, whenever duty compelled me to apply on their
behalf, and with fervent prayer that His Excellency the Governor
may long be spared as a Father to the Inhabitants of this Colony,
Her Gracious Majesty the Queen a nursing Mother; that Heavenly
wisdom may direct, and a Divine Blessing abide upon the United
Kingdom, with all her numerous Colonies; I most respectfully
Subscribe myself, etc.,

LANCELOT EDWD. THRELKELD.

[Enclosure marked D 1.]

MR. J. ALLMAN TO COLONIAL SECRETARY THOMSON.

Crown Lands Commissioners Office,
Wellington, 5th Novr., 1841.

Sir,

Obeying the directions of Government contained in your
letter of 2d July last, I do myself the honor to offer such remarks
with reference to the 6th paragraph of Lord John Russell's Des-
patch relative to the Aborigines as Suggest themselves, after Twelve
months' experience of their manners and habits in this District,
and of some years in the Northern parts of the Colony.

During the past year, my duties have placed me in very frequent
contact with the Natives in all parts of this inland District; taking
the Lachlan, the Bogan and the Macquarie Rivers, I have been
brought into communication with not less than one Thousand in
number.
Letting aside the residents in the immediate neighbourhood of Wellington, the condition of the different Tribes, inhabiting the more inland country, varies but little one from the other; the same unsettled habits and love of a wandering life, the same superstition and subjection to the will of their "Korages" or Priests, and, I may add, the same readiness to adapt themselves (for uncertain periods only) to the Customs of the Whites, have alike characterised these people when brought under my observation.

I have taken some pains to observe whether any permanent approach to Civilization has been manifested in the Wellington Tribe, or those Blacks who have been brought more immediately under the influence of instruction at the hands of the Whites. I cannot say that I think the efforts of the resident Missionary have been attended with any important degree of Success, although I am a Witness to the industry and perseverance displayed by that functionary. One of the most serious difficulties in my opinion in the advancement of the Natives to Civilization is the absolute dominion exercised over their minds by their Elders or Priests; this tends invariably to keep up amongst them an adherence to their Aboriginal habits and Ceremonies, that of wandering from place to place being amongst the foremost.

Of all the Natives I have seen in the Colony, those of the Wellington Tribe certainly stand first in their occasional adoption of the civilized pursuits of the White man. This is mainly owing to their being almost, if not wholly, removed from the use of Spiritous Liquors. In the adjoining District of Bathurst where this cause does not exist, they are notoriously dissipated and worthless.

I am very far from thinking that, if means were devised for separating the Children of the present Generation from their parents, and placing them under competent tuition, they would not become useful members of Society. In the few instances of Black Children receiving instruction that I have known, they have shewn a quickness of comprehension not inferior to those of the Whites.

J. ALLMAN, Commissioner of Crown Lands.

[Enclosure marked D2.]

MR. J. LAMMIE TO COLONIAL SECRETARY THOMSON.
Commissioner of Crown Lands Office,
Sir, Maneroo, 14 January, 1842.

Referring to your letter of the 2nd July last transmitting papers respecting the Aborigines and directing my particular attention to the 6th paragraph of Lord John Russell's despatch of the 25th of August, 1840, I have the honor to State for the information of His Excellency the Governor as follows:

The Aborigines of the District, with the exception of the Coast tribes, may be said to be almost in their primitive State. At the Stations bordering on the Coast, a good many however of the Natives are employed in sheep washing, hoeing Maize and reaping, and last year three boats' crews, in number eighteen, were employed by the Messieurs Imlay in the Whale Fishery at Twofold Bay on the same lay or term as the whites. The Blacks were stationed on the opposite side of the Bay to the other fishermen, and they adopted the same habits as the Whites. They lived in Huts, slept in Beds, used utensils in cooking, and made the flour into bread;
but, as soon as the fishing season was over, they all returned to
their tribes in the Bush. The Natives belonging to the tribes to the
westward of the Coast range are very little employed by the Stock-
owners, except a few occasionally in washing sheep; they preserve
their original habits of hunting, and are constantly moving from
place to place.

The accompanying Census I am led to believe exceeds the actual
number, for I found it very difficult to obtain a correct Return
from the Natives shifting so frequently. The Births during the last
year have been about equal to the Deaths.

With reference to the proposal of appropriating a proportion of the
Land Revenue to the civilization of the Aborigines, I would beg leave
to State that the Tribes, belonging to the Coast, situated between the
Moraya River and Twofold Bay, who have come much more in Con-
tact with the Settlers than those of any other part of the District,
appear to wish that the Children were taught to read and write; but at the same time they have an insuperable dislike to parting
with them, if they are to be excluded from Occasionally seeing them. If Schools were established in the District in the first in-
stance, I have no doubt the Children would be permitted to attend
them, provided the Parents and friends were sometimes allowed to
visit them; and the dislike of parting with the offspring, on the
part of the Parents, most probably would gradually wear off when
the Children might be removed to Some general Establishment and
finally Separated from the Tribes. I have, &c.

JOHN LAMBIE, C.C.L.

[Sub-enclosure.]

CENSUS of the Aborigines of the District of Maneroo for the Year
1841, accompanying letter to the Honorable the Colonial Secre­
tary dated 14th January, 1842.

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[Enclosure marked D 3.]

REPORT upon the condition of the Aboriginal Natives of the
Murrumbidgee District.

1. Supposed Number of Blacks in the Murrumbidgee District
1,500 to 2,000.
2. Temporary residence.

At “Oulong,” Hume River, 300; Mungaboruma, 100; Courang, 50; Mitta Mitta, 300; Tumut, 100; Murremnurrenbury, 100.


As yet in this district they have shewn but little regard for social comforts, not erecting Huts, sleeping only under sheets of Bark or the green Boughs of Trees. They gladly receive fish-hooks, needles and thread, etc., for sewing their oppossum skins; but, though they accept articles of clothing, they do not wear them long, except the Blankets. They come freely to the Stations of any who treat them kindly, partaking of any food presented to them. Some black gins killed by hostile Tribes, and two Native black boys attached to settlers murdered in 1841. The want of a Law, by which the evidence of an Aboriginal Native could be received by the Crown Commissioners, leads me to suggest that, if the declaration of one Aboriginal Native is sustained by two of his coopers, combined with circumstantial evidence, it should be sufficient to convict, through the medium of a sworn Interpreter; and the want of full protection and a Law clear and adequate to meet this particular and all important point, I am well aware deters many of the young Lads from attaching themselves to the Settlers at out Stations and becoming useful and good servants.

I lament to add that Infanticide is frequent amongst them, as the Native Aboriginal Men cannot bear to see the half caste children, and the gins destroy them in the wild bush. I much fear as in other savage Nations, all the female infants born are not brought up.

Religious instruction can alone change this, and, as they have no hereditary prejudices or object of worship, may under a judicious course of treatment be the more readily effected.

4. Schools.

As none exist in the District, and the Aboriginal Parents will not give their children to be sent so far as Sydney or Parramatta, I would recommend a settlement for the education and social Instruction of Native black children, to be formed on or near the Hume River, combining a farm on which the boys over Ten years may be taught to cultivate Grains, Potatoes for the use of the establishment, while the Girls be instructed in domestic usefulness, under the immediate superintendence of an efficient married couple, to be selected by the Revd. Mr. Gunter, of Wellington Valley, conceiving that, from his experience and known zeal, he would be the most competent person, if he would accept the responsibility and take charge as principal of the new Establishment, should it be carried into effect.

As in the neighbourhood of the Hume River all the Stations are already fully occupied, I would suggest that an adequate allowance from the Land fund should be made the Settler on whose Run such settlement should be formed, and that he receive the full remuneration for any improvements or buildings of his, which may be appropriated to this purpose, as, if the Inherent right of the Crown was exercised without this concession on the part of the Government, it would engender a hostile feeling in the minds of many settlers against the establishment, and defeat the purpose for which it was instituted.

5. Future Prospects.

Living chiefly on Oppossum and Fish, roots, and wandering from Station to Station, and, though content to live for ever in this way,
they can fully enjoy the advantages of civilization in the way of dressed meal, fruits and vegetables.

HENRY BINGHAM, Commissioner of Crown Lands.

Head Quarters, Tumut River, Murrumbidgee District, 14th Feb., 1842.

[Enclosures marked E.]

[This letter, dated 5th January, 1842, from C. J. La Trobe to colonial secretary Thomson with reports on aborigines, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 51, per ship William Jardine.)

My Lord, Government House, 11th March, 1842.

In connexion with my Despatch of this day's date No. 50, and particularly in relation to the Reports furnished with it from the Chief Protector and other officers employed in the protection and civilization of the Aborigines in the Port Phillip District, I beg leave to forward to Your Lordship a Copy of a Report, furnished to me by Mr. La Trobe, of an investigation made by his order into alleged acts of atrocity in the neighbourhood of Portland Bay, which happily have turned out to be, if not entire fabrications, at any rate exaggerations of the grossest nature.

A person of the name of Tulloh, a Settler in the District of Portland, being an accidental visitor at the Station of the Wesleyan Missionaries, appears (and as it would seem from the mere love of vainglorious talking) to have made statements of a most exaggerated nature to one of the Missionaries, by whom they were reported to the head of Mission, the Revd. Mr. Hurst, who again, without any doubt of their truth and without enquiry of the trustworthiness of the person from whom they were received, repeated them on various occasions, and particularly at a Missionary or Wesleyan Meeting at Launceston in Van Diemen's Land.

Mr. La Trobe has recommended that Mr. Tulloh should no longer be allowed to hold Crown Lands under a depasturing Licence from this Government; and I have thought it proper in consequence to give directions that his Licence shall not be renewed.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this report, dated 1st February, 1842, will be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 52, per ship William Jardine.)

My Lord,

Government House, 11th March, 1842.

In transmitting to Your Lordship the various Reports respecting the Aborigines, contained in my Despatches of this day's date Nos. 50 and 51, it seems to me proper that I should report to Your Lordship that two Aborigines were executed on the 20th Jany. last for the murder of two European Sailors not far from Western Port, in the Port Phillip District.

These Aborigines were Natives of Van Diemen's Land, and were at the special request of Mr. Robinson permitted to accompany him, when he removed in 1839 from that Colony to enter on the duties of Chief Protector in the Port Phillip District; and their removal was especially reported in my Despatch No. 184 of the 10th Novr., 1838.

They had been under Mr. Robinson's care for nearly eleven years previous to the commission of the crime for which they suffered; they understood and spoke English, and were supposed to have imbibed a considerable portion of religious instruction; nevertheless, being removed for a time from Mr. Robinson's immediate care, they, in addition to various other atrocities, committed these murders entirely unprompted and in cold blood.

I transmit a Copy of a Minute of the Executive Council, made when their case was under consideration, together with the report of the Judge by whom they were tried.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 53, per ship William Jardine; acknowledged by Lord Stanley, 11th October, 1842.)

My Lord,

Government House, 13th March, 1842.

I have the honor to enclose herewith to Your Lordship certain original documents, of which a List is given below, in explanation of the circumstances under which I have withheld one half of the Bounties claimed on the introduction into the Port Phillip District of a party of Emigrants from Bristol by the ship "Ward Chipman."

No. 1 of these documents is Mr. La Trobe's letter to the Colonial Secretary, stating that he had declined in the case of the "Ward Chipman" to sign the usual Certificate, declaring the Importers of the Emigrants to be entitled to Bounty;
No. 2 is the original complaint made by the majority of the Immigrants by this ship of the illtreatment, to which they had been subjected by the parties chartering the ship or by their Agents at Bristol.

No. 3 is the report of a Board of Enquiry, held by order of Mr. La Trobe to investigate their complaints;

The President of this Board, Mr. Simpson, was formerly Police Magistrate of Melbourne, but has ceased for nearly a year to be an officer of Government, though he is still a Magistrate of the Territory;

The second Member, Captn. Lonsdale, formerly of the 4th Foot, is the Deputy Treasurer acting as Treasurer in the Port Phillip District;

The third Member is Mr. Paterson, a Surgeon of the Royal Navy, who is Health Officer and Agent for Immigration at Port Phillip.

No. 4 is the List of Emigrants, as mustered on their arrival by the Emigration Board. By this List, it may be seen that the number of Emigrants by the “Ward Chipman,” a vessel stated to be of 1,000 Tons burthen, was 363, exclusive of Cabin passengers, and the Bounties claimed on them £5,136; but, as 38 of the Immigrants were ineligible for Bounty under the Regulations of Government, the amount of Bounties, which could in any case have been allowed, was £4,524 instead of £5,136.

In withholding only one half, instead of the whole of the bounties on the Emigrants by this ship, I feel that I have acted very leniently towards the parties interested; they will nevertheless, I have little doubt, appeal to Your Lordship against my decision; and, as it appears to me not improbable that Your Lordship may refer the case to the Commissioners of Colonial Lands and Emigration, I think it right to enclose the original documents instead of Copies. Fair Copies of them however will be sent with the Duplicate of this Despatch.

I have, &c,
GEO. GIPPS.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]

LORD STANLEY to SIR GEORGE GIPPS.
(Despatch No. 77, per ship Duke of Manchester.)

Sir, Downing Street, 14 March, 1842.

I have to acquaint you that, at the suggestion of the Lords Commissioners of the Treasury, I have instructed the Governor of New Zealand to make arrangements for the repayment out of
the first money at his disposal for the general purposes of his Government of the Imprests and Advances, which have been made for the service of New Zealand from the Revenues of New South Wales. I have, however, intimated to the Board of Treasury that I do not at present perceive any very near prospect that Funds will be available for that purpose. I am, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 54, per ship William Jardine; acknowledged by lord Stanley, 18th October, 1842.)

My Lord,

Government House, 14th March, 1842.

I have had the honor to receive Lord J. Russell’s Despatch of the 16th Augst., 1841, No. 394, conveying to me His Lordship’s decision in the case of Mr. Perrott, formerly a Surgeon in the 41st Regt., who, on becoming a Settler in this Colony, claimed (in consequence of a clerical error committed at the Horse Guards) to have land at 5s. per acre, instead of remission to the amount of £200 in the purchase of land at Auction under the Regulations of Augst., 1838.

I think it my duty to represent to Your Lordship that the decision, thus conveyed to me, is given in Mr. Perrott’s case only, and without reference to other cases similar to his, or to the general question brought under the notice of Lord J. Russell in my Despatch of the 1st Novr., 1839, No. 142.

I find on enquiry that there are seventeen or eighteen Officers, whose cases were exactly similar to Mr. Perrott’s, but who have submitted to the Regulations of 1838; and about thirty others who, according to their services and the dates of their settling in the Colony, are equally entitled to the favor of Government, though no error was committed in their Certificates.

They are officers belonging either to the Royal Navy, or to the East India Company’s service, also some who, having retired from Regiments serving in the Colony, obtained their remission from the Local Government without waiting for the Certificates from the Horse Guards. They have all taken the remission, to which they were severally entitled under the Regulations of 1838, and have received Deeds from the Crown of the lands which they have purchased at Auction. Having for the most part settled and expended money on their lands, it will not be convenient for them to give them up, and take other lands in their stead, even though they could obtain them at 5s. per acre; still I can scarcely doubt that, when the decision in Mr. Perrott’s case...
1842.
14 March.
Probable claims for compensation.

Spirit of regulations re land for military officers.

Advantage of retired officers as settlers.

Amount of remissions on purchase of land by military officers.

may become known to them, they will demand to have their cases reopened; and thus (as no general rule can be applied to the Settlement of them) from twenty to thirty separate investigations will be forced upon this Government, each to be followed by more or less of compensation out of our Land Fund, circumstances which could not, I apprehend, have been within the contemplation of Lord J. Russell, when the case of Mr. Perrott was before His Lordship.

The true spirit and meaning of the Regulations of 1834, no less than of those of 1838, were that an officer settling in any Colony should, in the acquisition of land, enjoy an advantage over an ordinary settler to an extent which was stated in each order, not in land, but in money. It was not, I must submit, the intention of either set of Regulations to give to a settler of Mr. Perrott’s class any advantage beyond that which might be equivalent to £200 in money; nor was it, I will venture to say, known to Mr. Perrott, nor to one officer in fifty leaving England to settle in New South Wales, that the imperfect regulations for the sale of land, which were in force in the Colony up to the end of the year 1838, admitted of his obtaining any greater advantage.

It clearly could not have been known at the Horse Guards, or the mistake, which has led to this correspondence, would not have occurred.

The Settlement of retired officers in any Colony is, I consider, advantageous to it, because calculated to tighten the bonds of attachment which unite the Colony to the Mother Country; and consequently it is only with a desire of marking the importance of a decision, which may have a retrospective effect in regard to the remission granted to officers already settled in the Colony, and not in any way for the purpose of objecting to their Number, that I think it right to state that, during the last three years (that is to say, since the Regulations of 1838 have been in force in the Colony), seventy three officers have obtained remission in the purchase of land in New South Wales, and that the amount remitted to them has been upwards of £12,000, exclusive of remission to Noncommissioned officers and Soldiers or to Mates in the Royal Navy, who by a recent regulation are entitled to rank as officers.

I beg to add that it is not my intention to publish the decision in Mr. Perrott’s case, until I may be honored with Your Lordship’s commands.

I have, &c,

GEO. GIPPS.
GIPPS TO STANLEY.

Sir George Gipps to Lord Stanley.
(Despatch No. 57, per ship William Jardine; acknowledged by Lord Stanley, 8th September, 1842.)

My Lord,

Government House, 16th March, 1842.

I have herewith the honor to forward to Your Lordship submission certain Rules and Orders of the Supreme Court of New South Wales (in the District of Port Phillip), which I respectfully request may be submitted for the Gracious allowance of Her Majesty, pursuant to the 16th Section of the Statute, 9th Geo. IV, C. 83.

I have, &c.,

GEO. GIPPS.

[Enclosure.
[These rules and orders will be found in a volume in series IV.]

Sir George Gipps to Lord Stanley.
(Despatch No. 50, per ship William Jardine.)

My Lord,

Government House, 17th March, 1842.

In continuation of the subject of my Despatch No. 51 of
the 11th inst., I have the honor to forward herewith two Reports from the Police Magistrate of Portland, one dated the 31st Jany., 1842, containing an affidavit of Mr. Tyers, the Surveyor of the District, the other, dated the 29th of the same month, transmitting to Mr. La Trobe a Report upon the state of the Aborigines of the District.

I have, &c.,

GEO. GIPPS.

[Enclosures.
[Copies of these two papers, dated 31st and 29th January, 1842, will be found in a volume in series III.]

Sir George Gipps to Lord Stanley.
(Despatch No. 69, per ship William Jardine.)

My Lord,

Government House, 18th March, 1842.

By the Return which accompanied my Despatch of the 27th Jany. last, No. 15, the amount advanced by this Government for the service of New Zealand was made to appear to be £45,475 12s. 6d., from which was deducted the sum of £2,128 11s. 2d. which had been paid into the Treasury of New South Wales by persons, who purchased land in New Zealand at the first auction held there in April, 1841.

These payments were allowed to be made in Sydney solely for the convenience of the purchasers; and it was understood between myself and Governor Hobson that the money so paid should remain at his disposal; but, as many months elapsed without his
drawing for it, I concluded it was not his intention to do so, and consequently included it as an offset against the debt from New Zealand to New South Wales, as above stated.

The letters, however, of which I enclose copies, will shew that Capt. Hobson is now about to draw for this money, and that I have placed it at his disposal in the Bank of Australasia; and consequently that I must include it in the sum, for which I am to draw on the Lords of the Treasury.

The Auditor General has further represented to me that, since the return, which accompanied my despatch above mentioned, was made out, an omission in it has been discovered of two small sums amounting together to £63 12s. 6d.; and I have therefore finally to report that the debt due to this Government from New Zealand, amounted to £45,539 5s., being the amount for which, as stated in my despatch of this day’s date, No. 61, I have drawn on the Lords of the Treasury.

I enclose a return from the Auditor General, explanatory of this statement.

I have, &c.,

Geo. Gipps.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]

Sir George Gipps to Lord Stanley.

(Despatch No. 61, per ship William Jardine.)

My Lord,

Government House, 18th March, 1842.

With reference to my despatches, numbered and dated as in the margin,* I have the honor to report that, since the date of the last of them, I have drawn the following bills on the Lords Commissioners of Her Majesty’s Treasury:

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<th>No.</th>
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£12,803.14

* Marginal note.—No. 14, 27th Jan., 1842; No. 15, 27th Jan., 1842; No. 34, 18th Feb., 1842; No. 42, 26th Feb., 1842.
These Bills, in addition to those already reported, complete the sum of £45,539 5s., which, as explained in my Despatch of this day's date No. 60, is the whole sum advanced by this Government for the service of New Zealand.

I have also further to report that these Bills have all been negotiated at par, as have all the Bills drawn by the Deputy Commissary General during the same period, with the exception of one transaction, in which he was obliged to submit to a discount of 2¼ per cent. I have, &c., Geo. Gipps.

P.S.—A general Return of the whole of the Bills drawn by me on the Lords of the Treasury is enclosed.

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<th>No.</th>
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<th>To whom endorsed</th>
<th>Amount</th>
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<td>2.</td>
<td>Feb 12</td>
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<td>3.</td>
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<td>Alexander Laurence</td>
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<td>5.</td>
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<td>Robert Leslie</td>
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Total .................................. £45,539 5 0

Colonial Treasury, 17th March, 1842.

C. D. Riddell
1842.
24 March.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 63, per ship Middlesex; acknowledged by
Lord Stanley, 8th December, 1842.)

My Lord, Government House, 24th March, 1842.

I have the honor to transmit the accompanying letter and
Papers to Your Lordship, at the request of Mr. F. T. Rusden, a
gentleman who has been forced by me to retire from the Survey
Department of this Colony on account of a complaint made to me
of his general inefficiency by the Surveyor General; and who,
though he now appeals to Your Lordship, acquiesced at first in
my decision by sending in his resignation, which is to be found
among the Papers herewith transmitted under date of the 29th
Novr., 1841 (No. 13) addressed to the Surveyor General.

In explanation of Mr. Rusden's case, I deem it necessary to
inform Your Lordship that, during the four years I have adminis-
tered this Government, I have had very constantly to complain
of the very great expence of the Surveyor General's Department
(averaging £20,000 a year) as well as of the inefficiency of some
of his officers, and of the want of subordination, or even of com-
mon respect to their chief or to the Government on the part of
others.

One great cause of their inefficiency has been that, though pro-
vided, as is the custom of the Colony, with very expensive equip-
ments of Men, Horses, Oxen, carriages, Tents, etc., in order that
they might be constantly in the field, many of them became pro-
prietors of land within the Districts wherein they were employed;
and Your Lordship may perceive that this was the case with
Mr. Rusden, who speaks of the difficulty of disposing of his pro-
erty, when ordered to another District, and also of a Cattle
station that he had beyond the Boundaries of it.

When I assumed the Government of the Colony in Feby., 1838,
and first noticed the inefficiency of the Department, the Sur-
veyor General was in England; but, as his Leave was to expire
early in 1839, I resolved to await his return, before I entered on
such reforms as I thought necessary in his Department; having
obtained however in England successive extensions of his Leave,
I saw nearly three years elapse before he returned to the Colony,
which he did only on the 4th Feby., 1841, after an absence of
very nearly four years.

Almost immediately on his return, I pressed the Surveyor
General earnestly to enter on the reforms in his Department,
which I thought necessary; and among these, one of the most
essential was to curtail the equipment, with which Surveyors are
provided when they take the field. As a means of inducing them
voluntarily to dispense with a part of their equipments, I proposed that, in lieu of having articles, such as Carts, Harness, Tents, etc., furnished to them by the Government, they should have an annual allowance of £100 each in money, though their horses and oxen, as well as themselves and their men, were still to be supplied with forage and rations as before. This was the arrangement, which Mr. Rusden alludes to, and which, like many others in the Department, he disapproved of.

Whilst urging this and other various reforms and retrenchments upon the Surveyor General, I repeatedly pledged myself to support him to the full extent of my power, and to remove any one, of whose general inefficiency or want of due subordination he had cause to complain; and I took frequent occasion to make my determination in this respect known among the officers themselves.

When therefore I was subsequently called on by the Surveyor General to cause Mr. Rusden to retire from the Department on the ground of general inefficiency, I immediately acted on the pledge which I had given; and I venture to submit to Your Lordship that the worst possible effect would be produced in this important but very expensive Department, if my decision in Mr. Rusden's case should not be supported by Your Lordship.

I have, &c,

GEO. GIPPS.

[Enclosure.]

MR. F. T. RUSDEN TO LORD STANLEY.


Having requested His Excellency the Governor to forward the enclosed papers for your consideration, I do myself the honour to add a few words in explanation. In July, 1830, I received an Appointment as Assistant Surveyor from Sir George Murray; from that time to the 11th of November, 1841, there was never the least complaint or charge against me whatever, and for the particulars of my dismissal I have the honour to refer your Lordship to the correspondence. My letter concerning the £100 regulation was by no means uncalled for; as every Surveyor employed on General Survey has since been exempted from it. My first and chief aim through life has ever been faithfully to discharge the duties entrusted to me; in writing therefore for Leave of Absence, had I received the slightest intimation that it would not have been granted, I should never have applied for it; but, when I made my application personally to the Surveyor General, he told me to put my request in writing, thus inducing me to make it; and the instant my letter was received it was forwarded to His Excellency with a complaint on the 11th of November, and the Governor dismissed me on the 16th before I could say or write one word in my defence (The post between Sydney and the Hunter occupies the Space of four days). It was not probable that in a case thus prejudged anything I could say or do would be successful. In one letter from His Excellency, I am told to work hard for the three months I was allowed
HISTORICAL RECORDS OF AUSTRALIA.

Statement by F. T. Rusden re his dismissal.

to remain in the Department, or I should not receive pay. In another I am told I was allowed three months to make my arrangements! If the Surveyor General had no confidence in my Surveys or the manner in which I executed them, is it not strange he should order me six hundred miles away and therefore so much further from his personal Superintendence? Had I been allowed a Court of Enquiry, many letters in the Office would be found in my favor, particularly my instructions for the Survey of the Shoal-Haven district. This has been denied me. Had I been placed on half pay, or even without any salary at all, I would never have resigned my appointment, until I could have received an answer from Your Lordship; but I was dismissed at the end of three months before an answer could possibly have been returned; and, had I retained Office under this condition, it might have been said that I acquiesced in the Governor's decision. It is easy by a few strokes of the pen to take away the credit of eleven years' service; and, when an enquiry is solicited on public and private grounds, it is equally easy to say, it is too expensive, inconvenient and no object can be attained by it. Oh, my Lord to restrain such misuse of power I have appealed to You; and, as it is the most pleasing attribute of greatness to succour the oppressed and to pour balm upon the wounded spirit, it is with the utmost confidence that I leave my cause with Your Lordship. And, should your decision be in my favor, it may not be ungrateful to Your Lordship that, amidst the anxieties of Your elevated station, the humble individual, whose happiness you have restored, will constantly pray that your best wishes may be gratified and your highest expectations realized.

I remain, &c.,

F. T. RUSDEN.

Sub-enclosure No. 1.

SURVEYOR-GENERAL MITCHELL TO MR. F. T. RUSDEN.

Introduction of allowance for equipment of surveyors.

His Excellency the Governor having, as intimated to me in Colonial Secretary's Letter No. 41/314, decided that the Officers of this Department Shall at the beginning of the Year 1842 receive their then equipments at a valuation to be deducted by quarterly payments from their salaries, and be allowed ever after the sum of £100 per annum to keep their equipments in an efficient State, the term equipment being understood to comprehend the means of transport, general stores, slop Clothing for men, and the common articles of writing and drawing stationery, I have therefore to request that in the month of December next you will call upon two public Officers in your district, the resident Police Magistrate being one, to examine the State of each article in your equipment and to fix a value upon it, and that you will, before the 25th of that month, furnish me with a return signed by the Officers examining, Shewing the extent and value of the means of transport and equipment in your possession.

T. L. MITCHELL, S. G. I.

Sub-enclosure No. 2.

SURVEYOR-GENERAL MITCHELL TO MR. F. T. RUSDEN.

Orders for transfer of F. T. Rusden to Port Phillip.

Sir,
The demand for Land within the middle district is now but trifling, while the Survey of Lands in the South is much called for. I am therefore under the necessity of making such a modification of existing arrangements as may best suit existing circumstances. With this view, I consider any measurements on the Upper Hunter May be left to Mr. Surveyor White and that you would be thereby available in the New Country adjacent to Port Phillip, where and in Gipps Land, Special Surveys require immediate attention. I have therefore to request that you will prepare to proceed to Melbourne Port Phillip with as little delay as possible.

I have, &c.,

T. L. MITCHELL, S. G. I.
[Sub-enclosure No. 3.]

Mr. F. T. Rusden to Surveyor-General Mitchell.

Sydney, 1st November, 1841.

I have the honor to acknowledge the receipt of your letter desiring me to request by proceeding to Melbourne Port Phillip. I have the honor to request that you will be pleased to allow me two months' leave of absence to arrange my affairs at the Hunter, as the districts are so widely separated and the sacrifice of my property absence will be very great.

I have, &c.,


[Sub-enclosure No. 4.]

Mr. F. T. Rusden to Surveyor-General Mitchell.

Sydney, 5th November, 1841.

I have again the honor to request that you will allow me, or recommend to His Excellency The Governor that I should obtain 2 months' leave of absence to arrange my affairs at the Hunter before proceeding to Melbourne, or that as much time may be granted me as can possibly be allowed; as I shall have to part with my household furniture at ruinous prices and make arrangements to leave a Cattle Station, which I have at Liverpool Plains, in safe keeping during my absence.

I have, &c.,


[Sub-enclosure No. 5.]

Mr. F. T. Rusden to Surveyor-General Mitchell.

Sydney, 5th November, 1841.

I have the honor to request that you will inform me whether I am to be employed at Melbourne on General Survey, or farm measurements, or both; as, from details re the 1st of January, 1842 (according to your circular), each Assistant Surveyor employment at is to find his own equipment. And, if I am to be employed on General Survey, Port Phillip, it will take a much stronger equipment in animals, which I will prepare accordingly. I have also the honor to ask whether the regulation of the allowance of £100 a year to find equipment is to be enforced in the case of every Surveyor employed; and, if it is, that you will be so good as to forward my petition to His Excellency The Governor that it may be dispensed with, and for this reason. Since in disposing of my household property at the Hunter I shall at least sacrifice 200£ and a large equipment to be efficient will cost me 300£s., shewing an immediate loss of 200£s. and an outlay of 300£s.; awaiting your reply.

I have, &c.,


[Sub-enclosure No. 6.]

Surveyor-General Mitchell to Mr. F. T. Rusden.

Surveyor-General's Office, 11th November, 1841.

In reply to your Letter of the 5th instant, enquiring whether I am to be Letter-employed in farm measurements or on general Survey in the southern districts, and acknowledged, requesting, if the later be the case, that your application may be laid before the Governor for an exclusion in your case from the operation of the proposed arrangements for Surveyors providing their own equipments; I have to observe that, from the Slow Manner in which you have hitherto proceeded in your duty, the difficulties you now seem disposed to throw in the way, and the great expense of which you complain as likely to be incurred by you, I shall be compelled to employ some other gentleman recently arrived at Port Phillip, instead of sending you thither, but I shall certainly submit the whole of the correspondence to His Excellency The Governor and represent that your further continuance at your present station is very inexpedient, and your removal to another place so inconvenient and expensive to yourself that, rather than incur the responsibility of the evils of which you complain, I should suggest your discontinuance as an Assistant in this Department.

I have, &c.,

T. L. Mitchell, S. G.
ARRANGEMENTS FOR DEPARTURE FOR PORT PHILIP.

Sir, Hunter’s River, 15th November, 1841.

Not having heard yet whether I am to be allowed leave of absence or not, I have proceeded to have my equipment valued by Messrs. Simpson and Bailey, Government Officers (according to your circular), in order that it may be sent to Sydney by steamer, the animals and men proceeding over land. I shall thus be enabled to leave for Port Philip in a few days after its arrival in Sydney, should you not allow me leave of absence. If the order is to be peremptory with respect to the 100£ allowance, with the valuation of Messrs. Simpson and Bailey I beg to enclose a list of the articles which I am willing to take at their valuation; with respect to the dry and two carts, perhaps you will give me an order to leave them in charge of Mr. White until they can be sold. I have, &c.

F. T. Rusden, Assist. Surveyor.

[Sub-enclosure No. 7.]

MR. F. T. RUSDEN TO SURVEYOR-GENERAL MITCHELL.

Sir, Hunter’s River, 10th November, 1841.

I have the honor to acknowledge the receipt of your letter No. 41, and am surprised that you should have drawn such inferences from my conduct; as merely asking for leave of absence and whether I might not be exempted from the 100£ regulation (two questions of vital importance to me) could very easily be answered in the negative, without my being accused of delay and wishing to raise difficulties, than which nothing was farther from my intention. With regard to the "Slow Manner," I beg to offer the following explanation and plain statement of facts and dates, which I hope will prove satisfactory both to His Excellency The Governor and yourself. I received your letter ordering me to Port Philip on the 20th of October. I went to Sydney and, as you were absent, did not see you until the 30th of October, when you informed me that I must proceed to Port Phillip, and I beg most positively to assert that I never asked or expressed a wish to remain at the Hunter. Any other district was refused me, and of course I had no alternative but to go to Melbourne. I asked for leave of absence, which application I was told by yourself to put in writing. I accordingly wrote for leave on the 1st and again on the 21st of November, to which request no answer whatever has been yet returned. On the 5th of November, in order that no want of alacrity might be imputed to me, I left Sydney and requested Mr. Simpson and Mr. Bailey to value my equipment; they appointed Friday, the 12th of November, as the earliest day they could attend, and accordingly the valuation was taken, Mr. Simpson taking the papers with him to correct his prices by some contract papers he had by him, and he returned them to me yesterday, the 15th of November (Monday), as will be seen by my letter of that date No. 35/41. If it is asked, Why did not take the equipment to Sydney and have it valued there, I reply that there being an old dray of Mr. Ralph’s and 2 carts, totally unserviceable, I did not think it expedient to put the Government to the expense of sending them to Sydney, and Mr. Simpson and Mr. Bailey in their valuation have expressed the same opinion. Under those circumstances, I think I have shewn I have been actively the first Assistant Surveyor to obey your orders about equipment, as being valued. I can when it arrives in Sydney purchase the few new articles I require and leave for Port Philip, in a day or two. I feel confident that His Excellency Sir George Gipps, when he reads this statement, will do me the justice to say (that though petitioning against the 100£ regulation in common I believe with others in the Department) I have not tried to delay and raise difficulties, being the first to have my equipment valued according to order, and having sent in my application to purchase certain articles of it. I have but a very few words more to say. After eleven years’ service and the most of that time I confidently assert passed on such difficult surveys as any to which other Assistants were appointed, compelled for three years of that time (so short was I kept of pack animals though repeatedly applying for them) to carry only one tent and sleep on the ground with convicts, often carrying my blanket on my back for weeks at a time, is it probable, is it feasible that I should now try to raise difficulties and obstruct the Public Service?

If, as it appears from the tenor of your letter that my reduction is wished for, I have no objection to retire with the customary gratuity; but I cannot admit that I have been guilty of any delay in any way, seeing that I have made a clear statement explaining me from all delay; and, though having received an answer concerning my equipment, I still took the most active steps to purchase it according to order, and thus prepare myself to proceed with as little delay as possible to go to-
GIPPS TO STANLEY.

Port Philip. In concluding, I beg to recall my application for Leave of Absence, and, should I in this long letter have made use of a hasty expression, I hope it will be considered as already retracted and that this explanation of my conduct will prove satisfactory.

I have, &c.


[Sub-enclosure No. 9.]

SURVEYOR-GENERAL MITCHELL TO MR. F. T. RUSDEN.

(Sir, Surveyor General's Office, Sydney, 19th Novr., 1841.

With reference to my letter No. 41/395 dated 11th instant, I have now to inform you that, having felt it my painful duty to write to the Government, F. T. Rusden, according to my stated intention therein made known to you, I have received the commands of the Governor to inform you that your employment in my department will be discontinued in three months from the day on which this communication of His Excellency's present decision may reach you; and I therefore have to request that you will on receipt of this acknowledge it. I am further directed to apprise you that your pay will be continued during the course of these three months, if during that time you perform active duties in the Survey Department, but otherwise. I have therefore to request that you will endeavour during that time to send me the measurements required on Dart Brook by letter 38/10, also that you will prepare a plan shewing the present road tracks in the County of Brisbane in order that it may assist the determination of what lines are most required to be proclaimed as Parish Roads.

I have, &c,

T. L. MITCHELL, S. G.

[Sub-enclosure No. 10.]

MR. F. T. RUSDEN TO SURVEYOR-GENERAL MITCHELL.

(Sir, Sydney, 24th November, 1841.

I have the honor to inform you that having sent up to Sydney on the 18th of November the whole of my equipment, the three men having left the Hunter with the animals on Sunday, the 21st of November, I called to report my arrival at the letter Office this morning and found your letter of the 19th instant No. 395, which I immediately acknowledge, and beg to know how I am to proceed as the whole of my equipment is now in Sydney.

I have, &c.


[Sub-enclosure No. 11.]

MR. F. T. RUSDEN TO SIR GEORGE GIPPS.

(May it please Your Excellency,

In enclosing the following correspondence for Your Excellency's perusal and consideration, I have the honor most earnestly to entreat that you will do me the favor to observe the dates of my letters of the 15th and 16th of November and also the date (the 12th of November) of Messrs. Simpson's and Bailey's valuation of my equipment, as I really believe that this part of my correspondence with the Surveyor General was not forwarded to you, and it is entirely upon these letters and Bailey's valuation that I rely for the estimation and explanation of my conduct. I knew my subordinate situation too well to attempt or wish to frustrate the public service and give up any Leave of Absence that might be granted me. The same also with the 100£ regulation, for which I do myself the honor to refer you to my letter of the 15th of November, Messrs. Simpson and Bailey's valuation of my equipment and my list of the articles I was willing to purchase. Had I been aware that my letters for Leave and the 100£ regulation would have given such umbrage, I would not have written them; but still I earnestly entreat Your Excellency to remember that I did not even wait for replies, but employed myself as expeditiously as possible, in the same manner as if they had never been written. I assure Your Excellency most solemnly that I never expressed the slightest wish to remain at the Hunter (knowing how entirely the work was falling off there). Not to occupy more of Your Excellency's valuable time, I beg to say that in making this appeal to you and praying against your decision as communicated to me in the Surveyor General's letter of the 19th instant, in consequence of my letters of the 15th and 16th instants which I do not think you can have seen. I feel assured that, after having investigated the merits of my case, you will do me justice, for to whom but the Governor of the Colony can an appeal be made. Praying that you will let me know the...
grounds of Your decision, should I be so unfortunate, as not to have produced additional correspondence sufficient to alter your determination, but hoping that I may meet with a propitious answer or the toils and good conduct of eleven years' service must vanish in an airy dream.


N.B.—Inserted at the end of the correspondence being my letters of the 1st, 5th, 15th November, the Surveyor General's of the 11th received by me the 16th, and my letter of the 16th in explanation. The following words:—

May it please Your Excellency,

If, as I expect the Surveyor General did not forward to you copies of my two last letters marked thus, particularly the one dated the 15th of November written before I received the Surveyor General's of the 11th, the valuation being taken on the 12th, I humbly submit to Your Excellency's consideration he has not done me justice in withholding the letters upon which alone I ground my explanation.


[Sub-enclosure No. 12.]

COLONIAL SECRETARY THOMSON TO MR. F. T. RUSDEN.

(No. 41/1940.)

Sir, Colonial Secretary's Office, Sydney, 30th November, 1841.

I am directed to acknowledge the receipt of your letter of the 24th instant, appealing against the orders which have been given for your removal from the Survey Department, and to inform you that the Governor has read the papers forwarded with your letter, but that they do not appear to call for any observation from His Excellency.

In undertaking to reduce the expenses of the Survey Department and to improve its efficiency, His Excellency assured the Surveyor General that he would remove from the Public Service any Officer of the Department, of whose want of zeal or efficiency he might have cause to complain. The Surveyor General in consequence pointed you out as an Officer whose retirement from the Department would increase the efficiency of it. And His Excellency caused it to be intimated to you that you must accordingly retire. Further than this, the Governor does not desire to deal harshly with you, but has allowed you three months to make your arrangements. His Excellency regrets, however, that he cannot consider any gratuity on your retirement to be admissible.

E. DEAS THOMSON.

P.S.—The List and valuation of your equipment are herewith returned.

[Sub-enclosure No. 13.]

MR. F. T. RUSDEN TO SURVEYOR-GENERAL MITCHELL.

(No. 41/410.)

Sir, Sydney, 29th November, Monday, 1841.

Resignation I have the honor to resign my appointment as an Assistant Surveyor in your Department and request to be informed to whom you are to deliver your equipment. In reply, I have to request that you will be pleased to give over your equipment and stores to Assistant Surveyor MacCabe, as also the bullocks or horses which belong to the Government, and that I will forthwith submit your letter of resignation for the Approval of His Excellency The Governor.

T. L. MITCHELL, S. Gl.

[Sub-enclosure No. 15.]

MR. F. T. RUSDEN TO SURVEYOR-GENERAL MITCHELL.

(No. 41/410.)

Sir, Sydney, Wednesday, 1st December, 1841.

Request for I have the honor to request that you will be pleased to allow me a copy of your letter, complaining of my conduct to His Excellency, and also a copy of the Colonial Secretary's letter in reply, and have the honor to be, Sir,

Yours, &c.,

F. T. RUSDEN.
GIPPS TO STANLEY.

[Sub-enclosure No. 16.]

MR. F. T. RUSDEN TO MR. P. SIMPSON.

Sir, Hunter's River, 9th December, 1841.

As I am desirous of submitting to His Excellency The Governor a statement of the manner in which I employed my time after I left Sydney on the 5th November, I shall feel obliged by your informing me, if you recollect on what day it P. Simpson was called upon to hold a valuation of my equipment and what day the valuation was held.

I have, &c.

F. T. RUSDEN.

[Sub-enclosure No. 17.]

MR. P. SIMPSON TO MR. F. T. RUSDEN.

Sir, Police Office, Singleton, 9th December, 1841.

In reply to your letter of this day's date, I beg to inform you that it was in the evening of the 9th Ultimo, you applied to me to value your Government Field Equipment and which was accordingly effected by me and the Clerk of the Bench at Glenden on the 12th Ultimo, The Police duties here having occupied my time on the two intermediate days.

I have, &c.

PERC. SIMPSON, Police Magistrate.

[Sub-enclosure No. 18.]

MR. F. T. RUSDEN TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 4th December, 1841.

I have the honor to request that you will allow me a copy of the Surveyor General's letter, complaining of my conduct to His Excellency the Governor and your reply. I am induced to do this that I may see fully the nature of the charge against me, and on that account I hope it will not be refused me. Having become a private individual since the 29th of November in consequence of my resignation, I have applied to you for it.

I have, &c.

F. T. RUSDEN.

[Sub-enclosure No. 19.]

COLONIAL SECRETARY THOMSON TO MR. F. T. RUSDEN.

Sir, Colonial Secretary's Office, 7th December, 1841.

In compliance with the request contained in your letter of the 4th instant, I do myself the honor to enclose a Copy of the Surveyor General's letter, dated transmitted. 11th of November last, recommending your discontinuance in his Department and also His Excellency's reply to the same.

I have, &c.

E. DEAS THOMSON.

[Sub-enclosure No. 20.]

SURVEYOR-GENERAL MITCHELL TO COLONIAL SECRETARY THOMSON.


It having been urged on more occasions than one by His Excellency the Proposal for dismissal of any person, whom I may feel obliged to bring under His notice, I reluctantly submit the name of Mr. Assistant Surveyor Rusden as an Officer, whose continuance in the Department I cannot in justice to the Public service recommend.

Finding that there was very little employment for him in the District of the Upper Hunter, I directed him to proceed to the Port Philip district. My instructions are met with an application for two months' Leave of Absence to visit his Cattle Stations at Liverpool Plains, and a statement of the losses to which a change of District will subject him. From the slow manner in which the Surveyor has hitherto proceeded in his duty, the difficulties he seems now disposed to throw in the way and the great expense, of which he complains as likely to be incurred in the present case, I am compelled to assign to other hands the duties, I contemplated that he should be employed on in the Southern districts, and to recommend his discontinuance in this department.

I have, &c.

T. L. MITCHELL, S. Gl.

[Sub-enclosure No. 21.]

COLONIAL SECRETARY THOMSON TO SURVEYOR-GENERAL MITCHELL.

Sir, Colonial Secretary's Office, Sydney, 16th November, 1841.

I do myself the honor to acknowledge the receipt of your letter of the 11th instant, No. 41/371, bringing under notice the conduct of Mr. Rusden, an Assistant Surveyor in your department. In reply, I am directed to state that the...
1842.
24 March.
Dismissal of F. T. Rusden.
Governor approves of your informing Mr. Rusden that his employment in Your Department will be discontinued in three months from the day on which the communication of His Excellency's present decision may reach him.
I am further to state that his pay will be continued during the course of three months, if he continues during that time to perform active duties in the Survey Department but not otherwise, and to request that you will apprise him accordingly.
I have, &c.,
E. Deas Thomson.
[Sub-enclosure No. 22.]
MR. F. T. RUSDEN TO COLONIAL SECRETARY THOMSON.
Sir, Patrick's Plains, 19th December, 1841.
I have the honor most thankfully to acknowledge His Excellency's kindness in having allowed me copies of the two letters, I applied for, and which The Surveyor General thought fit to deny me. I could not have imagined that Sir Thomas Mitchell would have written such a letter of complaint against me, had I not been favored with a copy. In the first place, he does not say that I was willing to proceed to Melbourne, and asked for Leave and to be exempted from the 100£ regulation because my expenses would be great in moving. But He implies that I did not wish to be moved at all, though I expressly told him, on the 30th of October, I was ready to proceed to my destination and took measures accordingly. At the close of his letter, The Surveyor General says, "From the Slow Manner in which this surveyor has hitherto proceeded in his duty." This is the passage, of the great injustice of which I have cause to complain. As it is so ambiguously worded as to lead His Excellency the Governor to suppose that my conduct had been generally of that nature for the eleven years, I was employed in the Survey Department. I have now, therefore, the honor to request that, as a Last resource to remove the stigma implied, you will place before His Excellency my most urgent, most earnest entreaty that He will allow me a Court of Enquiry to ascertain whether, for the eleven years, I was employed in the Survey Department I was an efficient officer or not? Up to the 11th of November last, I believe there has never been a shadow of a complaint against me in the Official correspondence; but I gladly court the strictest enquiry, the closest investigation, and sincerely and fervently hope that this will not be denied me. In justice to myself and for the information of His Excellency, I merely add that, when the Surveyor General asked if there were any arrears in my district, He was informed "None Whatever," and that I was prepared on the 30th of November with my equipment to leave for Port Philip with the exception of four men and my instructions, before the Surveyor who had arrived in Sydney in October had been supplied with either dray, men, bullocks or horses; in fact he received all the above mentioned articles from me. I have, &c.,
F. T. Rusden.
[Sub-enclosure No. 23.]
COLONIAL SECRETARY THOMSON TO MR. F. T. RUSDEN.
Sir, Colonial Secretary's Office, Sydney, 23d of December, 1841.
With reference to your letter of the 19th instant, applying for a Court of inquiry into your conduct whilst in the Survey Department, I do myself the honor to inform you that the Governor regrets He cannot accede to your proposal, as His Excellency can see no object that is to be obtained by a Court of Enquiry, whilst inconvenience to the Public Service and expense must be occasioned by His causing one to be assembled.
I have, &c.,
E. Deas Thomson.
GIPPS TO STANLEY.

Colony on account of Mr. J. F. Beattie, by the ship "Mathesis," my object in transmitting the same being to meet any complaint that may be made by or on behalf of Mr. Beattie to Your Lordship.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this report is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 65, per ship Middlesex: acknowledged by lord Stanley, 20th November, 1842.)

My Lord, Government House, 30th March, 1842.

In pursuance of the enactment contained in the Statute, 9th Geo. IV, C. 83, I have the honor to forward herewith for the Gracious approval of Her Majesty, a Rule of the Supreme Court (in the Port Phillip District) being supplementary to those which were forwarded in my Despatch to Lord J. Russell, No. 234 of the 21st Decr., 1841.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of the letter, dated 4th March, 1842, from Mr. Justice Willis, submitting this rule, will be found in a volume in series IV.]
APPENDIX.

LORD JOHN RUSSELL TO SIR GEORGE GIPPS.

(A circular despatch, * per ship Eden.)

Sir, Downing Street, 4th May, 1840.

I transmit to you herewith for your information and guidance, and that of the Legislative Bodies, and Local authorities in the Colony under your Government, copy of certain Rules and conditions prescribed by the Lords Commissioners of the Treasury for observance in Charters or Legislative Enactments for incorporating Banking Companies in the Colonies.

I have, &c,

J. RUSSELL.

[Enclosure.]

REGULATIONS and Conditions for the observance of which provision should be made in the Charter or Legislative Enactments relating to the Incorporation of Banking Companies in the Colonies.

1st. The Amount of Capital of the Company to be fixed; and the whole of such fixed amount to be subscribed for within a limited period, not exceeding Eighteen Months from the date of the Charter or Act of Incorporation.

2nd. The Bank not to commence business until the whole of the Capital is subscribed, and a moiety at least of the Subscription paid up.

3rd. The whole amount of the Capital to be paid up within a given time from the date of the Charter or Act of Incorporation, such period, unless under particular circumstances, not to exceed Two Years.

4th. The Debts and Engagements of the Company on Promissory Notes, or otherwise, not to exceed at any time thrice the amount of the paid-up Capital, with the addition of the amount of such Deposits as may be made with the Company's Establishment by individuals in Specie or Government Paper.

5th. All Promissory Notes of the Company, whether issued from the Principal Establishment or from Branch Banks, are to bear date at the place of issue, and to be payable on demand in Specie at the place of date.

6th. No Promissory or other Notes to be issued for sums under £1 sterling (or in the North American Colonies £1 Halifax currency), or the equivalent thereof in any other local currency, and not for fractional parts of that amount.

7th. Suspension of specie payments on demand at any of the Company's establishments for a given number of days (not in any case exceeding 60) within any one year, either consecutively or at intervals, forfeit the Charter.

8th. In the event of the assets of the Company being insufficient to meet its engagements, the Shareholders are to be responsible to

* Note 100.
the extent of twice the amount of their subscribed Shares (that is, for the amount subscribed and paid up, and for an additional amount equal thereto).

9th. The Company shall not hold Shares in its own Stock, nor make advances on the security of those Shares.

10th. The Discounts or Advances by the Company on Securities bearing the name of any Director or Officer thereof, as drawer, acceptor, or endorser, shall not at any time exceed one-third of the total advances and discounts of the Bank.

11th. The Company shall not advance Money on security of Lands or Houses, or Ships, or on pledge of Merchandise, nor hold Lands or Houses except for the transaction of its business, nor own ships, or be engaged in trade except as dealers in Bullion or Bills of Exchange; but shall confine its transactions to discounting Commercial Paper and negotiable Securities and other legitimate Banking business.

12th. The Dividends to Shareholders are to be made out of profits only, and not out of the Capital of the Company.

13th. The Company to make up and publish periodical statements of its assets and liabilities (half-yearly or yearly), shewing, under the heads specified in the annexed form, the average of the amount of its notes in circulation and other liabilities at the termination of each week or month during the period to which the statement refers, and the average amount of specie or other assets that were available to meet the same. Copies of these statements are to be submitted to the Government of the Colony within which the Company may be established; and the Company to be prepared, if called upon, to verify such statements by the production, as confidential documents, of the weekly or monthly balance sheets from which the same are compiled. And also to be prepared, upon requisition from the Lords Commissioners of Her Majesty's Treasury, to furnish in like manner such further information respecting the state or proceedings of its Banking establishments as their Lordships may see fit to call for.

14th. No Bye-law of the Company shall be repugnant to the conditions of the Charter or Act of Incorporation, or to the law of any Colony in which the Company's establishment may be placed.

15th. The Charter or Act of Incorporation may provide for an addition to the Capital of the Company, within specified limits, with the sanction of the Lords Commissioners of the Treasury; such additional capital, and the shares and subscription that may constitute the same, being subject in every other respect, from and after the date of the above mentioned sanction, to conditions and regulations similar to those applying to the original Capital.

16th. In all cases in which Shares in the Company's Stock are transferred between the period of the Grant of the Charter or Act of Incorporation, and the actual commencing of business by the Bank, the responsibility of the original holder of the transferred Shares shall continue for Six Months at least after the date of the transfer.

17th. As the insertion in Charters or Acts of Incorporation, of Provisions relating to the detailed Management of the Business of the Corporation, has in several instances been found to render the documents complicated and unintelligible, and has been productive of great inconvenience, it is desirable that such insertion should be avoided, and that the Provisions of such Charters or Acts should be confined, as far as practicable, to the special powers and
privileges to be conferred on the Company, and the Conditions to be observed by the Company, and to such general regulations relating to the nomination and powers of the Directors, the institution of Bye laws, or other proceedings of the Company, as may be necessary with a view to the public convenience and security.

**FORM OF RETURN REFERRED TO IN REGULATION No. 13.**

**RETURN of the Average Amount of Liabilities and Assets of the Bank of during the period from [1st January] to [30th June] 184.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promissory Notes in circulation not bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Bills of Exchange in circulation not bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Bills and Notes in circulation bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Balances due to other Banks</td>
<td></td>
</tr>
<tr>
<td>Cash Deposits not bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Cash Deposits bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Total average Liabilities</td>
<td></td>
</tr>
<tr>
<td>Coin and Bullion</td>
<td></td>
</tr>
<tr>
<td>Landed or other Property of the Corporation</td>
<td></td>
</tr>
<tr>
<td>Government Securities</td>
<td></td>
</tr>
<tr>
<td>Promissory Notes or Bills of other Banks</td>
<td></td>
</tr>
<tr>
<td>Balances due from other Banks</td>
<td></td>
</tr>
<tr>
<td>Notes and Bills discounted, or other debts due to the Corporation not included under the foregoing heads</td>
<td></td>
</tr>
<tr>
<td>Total average Assets</td>
<td></td>
</tr>
</tbody>
</table>

Form of return for periodical statements by banks.
COMMENTARY
ON
DESPATCHES
TO AND FROM SIR GEORGE GIPPS,
OCTOBER, 1840—MARCH, 1842.

Note 1, page 1.
Also pages 6, 9, 14, 31, 33, 43, 62, 64 and 68.
Despatch No. 157, received 11th March, 1841.
The originals of these despatches, preserved at government house, Sydney, are endorsed, “received 11th March, 1841,” and not in the usual way per a certain named ship. On the 11th of March, 1841, three ships arrived in Port Jackson from Portsmouth, Plymouth and Liverpool respectively; they were the Portland, Glenswilly and Brothers.

Note 2, page 1.
Statements.
The select committee summarised the evidence in its report as follows:—
“The labour imposed on women in the factory at Paramatta in New South Wales is said to be very slight, and many convicts prefer being sent there to being assigned. Assigned convict women, who are with child, are generally returned to the factory when near their period of confinement; they are placed in a separate class, intermediate between the punishment class and that of the women who are waiting to be assigned. This class appears to be a very numerous one, as, out of 590 females in the factory at Paramatta, 108 were nursing children; what proportion of the remainder were pregnant is not stated; at the same time, there were in the factory 136 children between the ages of one and three years, the illegitimate children of convicts. The factory at Paramatta is, therefore, in reality a lying-in hospital; it appears to have been, up to a very late period, under very inefficient superintendence; but this has recently been changed.”

Note 3, pages 3 and 4.
The accompanying Return.
These returns will be found in a volume in series II.

Note 4, page 6.
Mr. G. R. Griffiths.
G. R. Griffiths was appointed inspector of the bank of Australasia in the year 1838, vice G. Kinneir (see page 629, volume XIX).
COMMENTARY.

Note 5, page 7.
A Correspondence . . . was printed.
This correspondence was printed in the Parliamentary papers of the house of commons.

Note 6, page 7.
A report.
This report will be found on pages 204 and 205, volume XIX.

Note 7, page 11.
A Township.
The term “township” corresponded to the modern term “shire.” It frequently included several towns or villages.

Note 8, page 12.
The site of a Town.
Wellington, the capital city of the dominion of New Zealand, is built on the south-west shore of Port Nicholson.

Note 9, page 33.
Also pages 139 and 409.

Captain Grey, late Commandant of an Expedition.
The expedition was undertaken for the exploration of the north-west of West Australia (see volume in series V).
George Grey was born in the year 1812, and died in the year 1898. During his long life, he was governor of South Australia, twice governor and once prime minister of New Zealand, and governor of Cape Colony. An excellent biography will be found in the first supplement to the Dictionary of National Biography.

Note 10, page 49.
A Mission.—Some French Emigrants.
The account of the mission of T. Bunbury and of the landing of the French emigrants will be found on pages 721 and 824, volume XX (see also note 149, volume XX).

Note 11, page 53.
The Island of Pinchgut.
This island is known as Fort Denison at the present day. During his administration, Governor Phillip used it as a place for the confinement of refractory convicts, and from hence it derived the name of Pinchgut.

Note 12, page 54.
Mr. B. Boyd.
Benjamin Boyd was of Scottish descent and was born about the year 1796. He was a stockbroker in London, and was interested in shipping. About the year 1840, he and his brother Mark floated the Royal bank of Australia. Debentures of this bank to the value of £200,000 were sold. On the 15th of June, 1842, B. Boyd arrived at Port Phillip as representative of the Royal bank, and held full power over the investment of the funds of the bank in the colony. His subsequent romantic career will be noted in later volumes.
A Vessel.—My own Yacht.

The vessel was the steamer _Seahorse_, which arrived in Port Jackson on the 2nd of June, 1841. The yacht was the schooner _Wanderer_, which arrived in Port Jackson on the 18th of July, 1842.

Resolutions.—A report.

There were sixteen resolutions, of which the ninth was as follows:—“That, in the opinion of the Council, the unfavourable representations of the moral condition of this colony, so extensively and industriously circulated in the Mother Country with a view to deter persons from emigrating hither, are altogether unfounded as respects the emigrant and native-born inhabitants, and greatly exaggerated as regards circumstances attributable to the penal character of the colony alone, the causes of immorality and inducements to crime being infinitely less amongst a population chiefly engaged in pastoral pursuits and widely dispersed, than amidst the dense population of older countries.”

On this resolution, the bishop of Australia made a strong speech in defence of the morals of the colony.

Her Majesty’s late Providential escape.

On the 10th of June, 1840, H.M. the Queen and H.R.H. Prince Albert were driving up Constitution hill in an open carriage, when a youth, named Edward Oxford, fired two pistols at the Queen, and the bullets were said to have passed close to the head of Prince Albert. Oxford was immediately arrested. At his trial, he was acquitted on the ground of insanity.

A Library.

This library formed the nucleus of the present library of the parliament of the state of New South Wales.

The Australian Subscription Library.

By an act passed in 1834, the proprietors of the library were entitled only to a life interest in the shares held, but were entitled to sell and transfer their shares during their lifetime. A majority of the proprietors decided that the shares should not be transferable. The effect was that the library became a true public library as the life interests expired.

The “Sydney Banking Company.”

The Sydney banking company was instituted in December, 1839, with a capital of £1,000,000 divided into fifty thousand shares of £20 each. It was controlled by a board of directors, who were A. Potheringham, chairman, George Miller, deputy chairman, W. Drake, J. C. Brown, J. L. Innes, T. W. Smart, C. Nicholson, E. Lord, F. Watkins, W. Foster, H. Moore, and R. G. Dunlop. Thomas Lord was the manager, and Alexander Cockburn, the accountant.
Note 19, page 66.

The South Australian principle.

In the province of South Australia, land was sold at a fixed price of £1 per acre, and a purchaser could demand a special survey of 15,000 acres, out of which he was only obliged to select 4,000 acres wherever he choose. The result was that all the good land was taken.

Note 20, page 67.

The accompanying Schedule.

Similar schedules were transmitted quarterly, and will be found in a volume in series II.

Note 21, page 86.

A position of estrangement.

A note, numbered 136, on the New Zealand land company, will be found in volume XX. The submission of the agent of the company to the magistrate, sent by W. Hobson to Port Nicholson, was reported by Sir George Gipps in a despatch, dated 24th July, 1840 (see page 722, volume XX).

Note 22, page 111.

My Father.

A William Foggo was a constable at Paterson's plains in Tasmania (see page 739, volume III, series III). An Alexander Foggo was master of the brig Trimmer (see page 127, volume III).

Note 23, pages 112 and 114.

The Public Notice.

This notice was published in the Government Gazette.

Note 24, pages 117 and 120.

The boundaries.—Contracted extent of Sea-coast.

The southern boundary was a line passing near Moruya, Major's creek and Queanbeyan; thence along the Murrumbidgee and Murray rivers to the boundary of South Australia. The northern boundary was the 31st parallel of south latitude, which passes near Trial bay, Walcha, Tamworth, Gunnedah and Coonamble. The sea coast thus extended from Trial bay to a little south of Bateman's bay.

Note 25, page 120.

The Southern boundary.—The northern boundary.

The southern boundary proposed now forms the boundary between the states of Victoria and New South Wales. The northern boundary proposed was one degree of latitude north of the parallel, which now forms the boundary between the states of Queensland and New South Wales, west of the Macintyre river.

Note 26, page 132.

The estimate.

A copy of this estimate will be found on page 115.
COMMENTARY.

Note 27, page 136.
A Protest.
This was a protest by Sir J. Jamison and J. Blaxland against the whole expenditure on police and gaols being charged on the revenues of the colony.

Note 28, page 138.
A Protest.
This protest was reported in the despatch, dated 1st January, 1841 (see page 154).

Note 29, page 140.
The Act.
This act was 3 and 4, not 2 and 3, Vict., c. lxii. By section 2, it was enacted "That it shall be lawful for Her Majesty, by letters patent to be from time to time issued under the great seal of the United Kingdom, to erect into a separate colony or colonies any islands, which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales."

Note 30, page 141.
This Bill.
This bill was transmitted by Sir George Gipps with his despatch, dated 16th August, 1840 (see page 759, volume XX). It was formally disallowed by lord John Russell in a despatch, dated 16th April, 1841 (see page 323).

Note 31, page 141.
A Gentleman.
Pending the appointment of a commissioner from England, the commissioners appointed by Sir George Gipps (see page 42) were allowed to act (see page 373).

Note 32, page 141.
Lord John Russell to Right Hon. C. Porlett Thomson.
This letter was attached to and enclosed with the despatch numbered 186; but it is probable that there was some error in the colonial office (cf. note 50).

Note 33, pages 143, 144, 612 and 613.
The following despatches.
These despatches were principally covering letters to the enclosures. Those enclosures, which are available, will be found in volumes of the series to which they belong.

Note 34, page 159.
The application.
The application was contained in a letter, dated 8th October, 1840 (see page 54).

We took occasion.—Report.
The "review" was contained in a letter, dated 14th September, 1840 (see page 16 et seq.). A copy of the report is not available.
COMMENTARY.

Note 36, page 182.
Your Letter of the — Ultimo.
The letter was dated 16th December, 1840 (see page 166).

Note 37, page 185.
This statement.
This statement was similar to the financial papers printed in the Votes and Proceedings of the legislative council.

Note 38, pages 185 and 716.
The Bill.
This bill was introduced into the house of commons on the 6th of July, 1840. It was printed in the issue of the Australian newspaper, dated 12th November, 1840, and transmitted to Sir George Gipps with a despatch dated 1st September, 1840 (see page 789 et seq., volume XX).

Note 39, page 186.
The breaking up of the existing Colony.
The details of this proposal were contained in section 30 of the bill (see page 796, volume XX).

Note 40, page 187.
The Speech.
Sir George Gipps delivered this speech on the 9th of July, 1840. He contended "that, by the law and practice, not only of England but of all the colonizing powers of Europe as well as of the United States of America, the uncivilized aboriginal inhabitants of any country had always been held to have a qualified dominion over land, or a right of occupancy only; and that, until they established among themselves a settled form of government, and subjugated the ground to their own uses by the cultivation of it, they could not grant to individuals, not of their own tribe, any portion of it, for the simple reason that they had not themselves any individual property in it. Secondly, That, if a settlement be made in any such country by a civilized power, the right of pre-emption of the soil, or in other words the right of extinguishing the Native title, was exclusively in the government of that power, and could not be enjoyed by individuals without the consent of that Government. Thirdly, That neither individuals nor bodies of men belonging to any nation could form colonies except with the consent and under the direction and control of their own Government; and that, from any settlement which they might form without the consent of their Government, they might be ousted; that was simply to say that, in so far as Englishmen were concerned, colonies could not be formed without the consent of the Crown."

Note 41, page 199.
The Australasian Bank.
The papers relating to the establishment of the bank of Australasia were contained in lord Glenelg’s despatch, dated 9th July, 1835 (see page 8 et seq., volume XVIII).
COMMENTARY.

Note 42, page 205.  
A participation.  
The claim to a participation in the revenues from land in the district of Port Phillip was made in a despatch, dated 12th February, 1839 (see page 235 and also page 242, volume XX).

Note 43, page 206.  
A Notice.  
A copy of this notice will be found on pages 745 and 746, volume XX.

Note 44, page 207.  
A Paper.  
The details connected with this paper will be found in despatches dated 10th and 27th February and 2nd August, 1841 (see pages 229, 249 and 457).

Note 45, page 215.  
The number of Marks.  
The principles of the system for remission of punishments in exchange for marks will be found on pages 533 and 534, volume XX.

Note 46, page 231.  
The Australian Subscription Library.  
A note on this library will be found in volume XVIII, numbered 20.

Note 47, page 238.  
The occasion.  
The application by R. Therry was noted by lord Glenelg in a despatch, dated 19th April, 1837 (see page 733, volume XVIII).

Note 48, page 240.  
Districts.  
The reference was to the country in the neighbourhood of Port Phillip and Portland bay.

Note 49, page 243.  
The man Buckley.  
A note on William Buckley will be found in volume XIX, numbered 54.

Note 50, page 279.  
Lord John Russell to Governor Hobson.  
This enclosure was transmitted in error (see memorandum from the colonial office on page 330).

Note 51, page 298.  
The usual Annual Report.  
This report was printed in the Votes and Proceedings of the legislative council.
28 aboriginal natives were barbarously murdered.

The murder of aborigines at Myall creek was reported by Sir George Gipps in a despatch, dated 19th December, 1838 (see page 700 et seq., volume XIX).

The recent arrangements.

The previous despatch on the affairs of the New Zealand land company was dated 21st December, 1840 (see page 85).

This correspondence will be found on page 279 et seq.

A Bill in Equity was filed by the Attorney General attacking the Title.

A copy of this bill will be found on page 558 et seq., volume XX.

This property.

This property was granted by Governor King to Governor Bligh by deed, dated 10th August, 1806. In the deed, it was specified that the grant should be known by the name of "Camperdown," and was for the purposes of "a private residence near Sydney." The land lies on the south side of the Parramatta-road to the west of the land occupied by St. John's college in the university of Sydney.

Previous correspondence.

This correspondence was dated 1st December, 1826 (see page 702, volume XII); 24th September, 1827 (see page 519, volume XIII); 29th January and 30th March, 1831, and 3rd January, 1832 (see pages 38, 228 and 501, volume XVI); 12th January, 1835 (see page 628, volume XVII); 9th and 29th July, 1835 (see pages 8 and 54, volume XVIII).

A circular despatch.

When the secretary of state received an application from a resident in the colony transmitted direct to the colonial office, the application was not considered, but its receipt was notified to the governor. This notification was made in a stereotyped letter, and the name of the applicant and the date and nature of the application were written in ink (printed in italics on page 370).
Note 60, page 372.

This order.

A copy of this order is not filed with the original of this despatch, which is preserved at government house, Sydney.

Note 61, page 373.

The former correspondence.

The former correspondence was a despatch dated 24th July, 1838 (see page 511, volume XIX).

Note 62, page 379.

The letter.

A copy of this letter will be found on page 10.

Note 63, page 380.

The correspondence.

This correspondence was dated 3rd October, 1835, and 29th March, 1836 (see pages 110 and 364, volume XVIII).

Note 64, page 383.

The letter.

A copy of this letter is not available. Instructions founded on it were contained in despatches, dated 15th March and 29th April, 1841 (see pages 278 and 342).

Note 65, page 387.

The erection of New Zealand into a Separate Government.

The erection of New Zealand as a separate colony was announced officially to Sir George Gipps by lord John Russell in a despatch, dated 31st December, 1840 (see page 140 et seq.).

Note 66, page 408.

The late occasion.

The approval of the previous purchase of grain was contained in lord John Russell’s despatch, dated 13th November, 1840 (see page 392, volume XX).

Note 67, page 442.

Assignment to Private Service.

The assignment of convicts to settlers and others commenced in the government of captain Phillip and was a source of great patronage to the early governors. In 1826, however, governor Darling established a board for the assignment of convicts (see pages 252 and 253, volume XII), and the system became regulated. In the early days of the colony, the supply of free labour was non-existent or limited, and the system of assignment was necessary, although it was often a modified form of slavery.

Note 68, page 471.

Peculiar powers.

Section 7 of the act of council, 3 Wm. IV, No. 3, was as follows:

"And be it further enacted That all persons, who shall have been or shall be transported or removed as aforesaid to any penal settlement within the said Colony or its Dependencies, shall be under the custody and management
of a Commandant and Superintendent, duly appointed for such purpose by
the Governor for the time-being; and every such Commandant or Super­
intendent shall have the same powers over such offenders, as are incident to
the office of Sheriff or Gaoler; and, if any offender during such custody
shall be guilty of misbehaviour or disorderly conduct, such Commandant or
Superintendent shall be authorized to inflict such moderate punishment as
shall be allowed by any rules and regulations to be made from time to time
for the management and discipline of such penal settlement by the Governor
with the advice of the Executive Council; and, subject to such rules, shall
keep every offender in his custody to labor, and duly provided with food and
clothing, according to a scale to be set forth in the said rules; and, in case
of the absence of any such Commandant or Superintendent or of the vacancy
of his office, his powers and duties shall be exercised and discharged in all
respects by the officer or person upon whom the command of such penal
settlement shall devolve."

Note 69, page 475.

Your letter.

This letter was signed by under secretary James Stephen (see pages 422
and 423).

Note 70, page 477.

The Committee of the House of Commons.

On the 4th of February, 1841, a select committee of fifteen members of
the house of commons was appointed "to consider the South Australian Acts,
and the actual State of the Colony of South Australia." The committee
presented its first report on the 9th of March, and its second report on the
10th of June, 1841.

Note 71, pages 478 and 479.

Instructions.

The substance of the instructions, dated 23rd May, 1840, will be found on
page 642 et seq., volume XX. They were printed in the New South Wales
Government Gazette, dated 9th December, 1840. The instructions, dated
October, 1837, were given to Sir George Gipps on his appointment as gov­
ernor, and will be found in an appendix to a later volume.

Note 72, page 497.

The mixed mode of Sale recommended.

The committee recommended, "That it is expedient to adopt the system
of selling Land in the said Province by Public Auction at a minimum upset
Price, and that the Sales by Auction should take place periodically; and that,
in the interval between such Sales, Land, which has been put up and not
sold, should be open for purchase by the first applicant at the minimum
upset price, provided that no Land, occupied by licence by any settler, should
be sold unless at the periodical sales without the consent of such occupier."

Note 73, pages 497 and 681.

A Building.

This was the building, which was demolished recently for purposes of
erecting a theatre in the centre of the block, bounded by King, Elizabeth,
Market and Castlereagh streets. Its erection was commenced by governor
Macquarie, and it is numbered 36 in the list of public works undertaken
during his administration (see page 687, volume X). In modern times, it
was used as a high school for girls.
Note 74, page 506.

The news of the Division.

On the 22nd of April, 1841, Grote moved resolutions in the house of commons on the disposal of the land fund in the colony. "He contended that reparation ought to be made to the colony for the abstractions which had taken place from the emigration fund, and that the mother country ought to defray at least one half of the expenses of gaols and police." After debate, an adverse division of fifty-two to eight resulted.

Note 75, page 535.

Dr. William Balmain.

William Balmain arrived as first assistant surgeon on the staff of the first settlement. The details of his land grants will be found in Sir George Gipps' despatch, dated 22nd April, 1842 (see page 27, volume XXII).

Note 76, page 536.

Discounts.

A note on the practice of discounts by the banks will be found on page vii, volume XX.

Note 77, page 544.

Your Government Notice.

The principal sections of this notice will be found in note 116, volume XVIII.

Note 78, page 545.

The Report.

This report was dated 14th September, 1840 (see page 16 et seq.).

Note 79, page 553.

A Protest.

This protest was made by Sir John Jamison and J. Blaxland against the appropriation of £107,200 18s. 4d. as the estimated expenditure on police and gaols.

Note 80, pages 558 and 560.

The Committee.

The committee (see note 70) decided "that it is expedient that the Surveys of Land in the said Province should be always kept in advance of the demand for Land, and that the system of Special Surveys should be discontinued."

Note 81, page 578.

The Union.

The basis of the "union" was recited in the preamble to the act of council 4 Vict., No. 18, as follows:—"and whereas the said Presbytery have, in compliance with the recommendation of the commission of the General Assembly of the Church of Scotland, agreed that it is expedient for the good government of the Presbyterian Church in the said Colony that a Synod should be formed, comprehending all the ministers and congregations in the said Colony in connexion with the Church of Scotland, and whereas it has been agreed that the said Synod shall bear the name 'The Synod of Australia in connexion with the Established Church of Scotland.'"
On the 30th of November, 1841, Sir George Gipps submitted to the legislative council, "A Bill to secure on the Ordinary Revenue of the Colony of New South Wales the payment of Debentures to be issued, to a limited amount, by the Governor thereof in support of Immigration." The minute, which accompanied this bill, was printed in the Votes and Proceedings of the legislative council.

Despatches relating to explorations by Sir T. Mitchell were dated 23rd November, 1831, and 17th March, 1832 (see pages 464 and 560, volume XVI); 12th October, 1835, 15th March and 15th November, 1836, and 25th January, 1837 (see pages 159, 356, 590 and 656, volume XVIII).

These minutes were published in a sixteen-page supplement to the Government Gazette, dated 21st January, 1837. They related to the conflict between certain aborigines and the expedition under Sir T. Mitchell.

This mail was carried overland from the Persian gulf.

A note on the accumulation in the banks of funds belonging to government will be found on page vii, volume XX.

This bill after amendment was passed as the act of council, 5 Vict., No. 21 (see page 728).

Sir George Gipps submitted a report on these dissensions in his despatch, dated 3rd January, 1841 (see page 160 et seq).

These despatches were dated 13th April and 28th August, 1838, 17th September, 1839, and 27th May, 1840 (see pages 366 and 559, volume XIX, and pages 355 and 641, volume XX).